

EXHIBIT A

**Law Offices of
JOHN E. SHARP
24 Professional Center Parkway, Suite 110
San Rafael, CA 94903**

John E. Sharp
john@johnsharpplaw.com

Telephone: (415) 479-1645
Facsimile: (415) 295-7020

October 6, 2023

VIA OVERNIGHT MAIL AND ELECTRONIC MAIL

Office of Chief Counsel
U.S. Customs and Border Protection
4742 N. Oracle Rd., Suite 111
Tucson, AZ 85705
CBP-Service-Intake@cbp.dhs.gov
cynthia.m.nix@cbp.dhs.gov

Re: Federal Tort Claims Act ("FTCA") Claims of Karla Colteaux.

To Whom It May Concern:

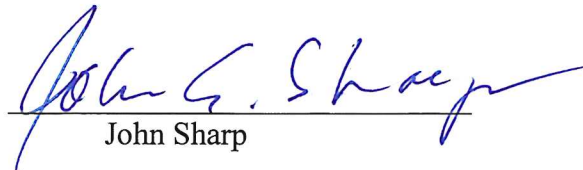
The Law Offices of John E. Sharp represents Karla Colteaux in connection with this claim brought on behalf of Karla Colteaux in connection with the death of her son, Edward Colin Colteaux.

Enclosed please find an administrative claim under the Federal Tort Claims Act. The claim consists of: (1) a Claim Authorization Form; (2) Standard Form 95; (3) Attachment to Standard Form 95 detailing the basis of the claim; and (4) Index of Exhibits and Exhibits 1 and 2 (police and autopsy reports, respectively) in support of the claim.

We are submitting this claim without the benefit of formal discovery. Claimant reserves the right to amend or supplement the claim. Please provide confirmation of receipt of this filing and contact information for the attorney who will be handling this matter as soon as possible.

Sincerely,

LAW OFFICES OF JOHN SHARP


John Sharp

CLAIM AUTHORIZATION

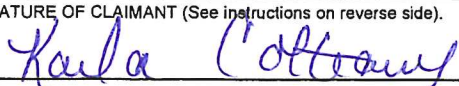
I, Karla Colteaux, authorize John Sharp/The Law Offices of John Sharp to submit a claim under the Federal Tort Claims Act on my behalf to the Department of Homeland Security, including U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection, and any other government agency, requesting compensation for the unlawful actions of their agents or employees against my son on or approximately on October 9, 2021.

Oct. 5, 2023

Date

Karla Colteaux

Karla Colteaux

CLAIM FOR DAMAGE, INJURY, OR DEATH		INSTRUCTIONS: Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.		FORM APPROVED OMB NO. 1105-0008	
1. Submit to Appropriate Federal Agency: U.S. Customs and Border Protection / Assistant Chief Counsel 4742 N. Oracle Rd., Suite 111 Tucson, AZ 85705			2. Name, address of claimant, and claimant's personal representative if any. (See instructions on reverse). Number, Street, City, State and Zip code. Karla Colteaux c/o John Sharp, Law Offices of John Sharp, 24 Professional Center Pkwy, Suite 110 San Rafael, CA 94903		
3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input checked="" type="checkbox"/> CIVILIAN	4. DATE OF BIRTH 09/02/1956	5. MARITAL STATUS Single	6. DATE AND DAY OF ACCIDENT 10/09/2021	7. TIME (A.M. OR P.M.) See Attached.	
8. BASIS OF CLAIM (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary). Please see attached Supplement to Claim Form					
9. PROPERTY DAMAGE					
NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code). Not Applicable					
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF THE DAMAGE AND THE LOCATION OF WHERE THE PROPERTY MAY BE INSPECTED. (See instructions on reverse side). Not Applicable					
10. PERSONAL INJURY/WRONGFUL DEATH					
STATE THE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE THE NAME OF THE INJURED PERSON OR DECEDENT. As a result of the Custom and Border Patrol's tortious conduct described above in Section 8 and incorporated here, Karla Colteaux (mother of deceased) suffered severe emotional and mental distress, including but not limited to anxiety, stress, loss of affection and loss of companionship. As a result of the egregious tortious conduct described above in Section 8, Edward Colin Colteaux died, and Karla Colteaux lost her son. Karla Colteaux also lost current and future home services of her son.					
11. WITNESSES					
NAME		ADDRESS (Number, Street, City, State, and Zip Code)			
See attached Supplement to Claim		See attached Supplement to Claim			
12. (See instructions on reverse). AMOUNT OF CLAIM (in dollars)					
12a. PROPERTY DAMAGE \$0	12b. PERSONAL INJURY \$0	12c. WRONGFUL DEATH See attached.	12d. TOTAL (Failure to specify may cause forfeiture of your rights). See attached.		
I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.					
13a. SIGNATURE OF CLAIMANT (See instructions on reverse side). 			13b. PHONE NUMBER OF PERSON SIGNING FORM 415-479-1645 see attachment.		14. DATE OF SIGNATURE 10/5/2023
CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM			CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS		
The claimant is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729).			Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)		

INSURANCE COVERAGE

In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of the vehicle or property.

15. Do you carry accident Insurance? ☐ Yes If yes, give name and address of insurance company (Number, Street, City, State, and Zip Code) and policy number. ☐ No

N.A.

16. Have you filed a claim with your insurance carrier in this instance, and if so, is it full coverage or deductible? ☐ Yes ☐ No 17. If deductible, state amount.

N.A.

18. If a claim has been filed with your carrier, what action has your insurer taken or proposed to take with reference to your claim? (It is necessary that you ascertain these facts).

N.A.

19. Do you carry public liability and property damage insurance? ☐ Yes If yes, give name and address of insurance carrier (Number, Street, City, State, and Zip Code). ☐ No

N.A.

INSTRUCTIONS

Claims presented under the Federal Tort Claims Act should be submitted directly to the "appropriate Federal agency" whose employee(s) was involved in the incident. If the incident involves more than one claimant, each claimant should submit a separate claim form.

Complete all items - Insert the word NONE where applicable.

A CLAIM SHALL BE DEEMED TO HAVE BEEN PRESENTED WHEN A FEDERAL AGENCY RECEIVES FROM A CLAIMANT, HIS DULY AUTHORIZED AGENT, OR LEGAL REPRESENTATIVE, AN EXECUTED STANDARD FORM 95 OR OTHER WRITTEN NOTIFICATION OF AN INCIDENT, ACCOMPANIED BY A CLAIM FOR MONEY

Failure to completely execute this form or to supply the requested material within two years from the date the claim accrued may render your claim invalid. A claim is deemed presented when it is received by the appropriate agency, not when it is mailed.

If instruction is needed in completing this form, the agency listed in item #1 on the reverse side may be contacted. Complete regulations pertaining to claims asserted under the Federal Tort Claims Act can be found in Title 28, Code of Federal Regulations, Part 14. Many agencies have published supplementing regulations. If more than one agency is involved, please state each agency.

The claim may be filed by a duly authorized agent or other legal representative, provided evidence satisfactory to the Government is submitted with the claim establishing express authority to act for the claimant. A claim presented by an agent or legal representative must be presented in the name of the claimant. If the claim is signed by the agent or legal representative, it must show the title or legal capacity of the person signing and be accompanied by evidence of his/her authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian or other representative.

If claimant intends to file for both personal injury and property damage, the amount for each must be shown in item number 12 of this form.

DAMAGES IN A **SUM CERTAIN** FOR INJURY TO OR LOSS OF PROPERTY, PERSONAL INJURY, OR DEATH ALLEGED TO HAVE OCCURRED BY REASON OF THE INCIDENT. THE CLAIM MUST BE PRESENTED TO THE APPROPRIATE FEDERAL AGENCY WITHIN **TWO YEARS** AFTER THE CLAIM ACCRUES.

The amount claimed should be substantiated by competent evidence as follows:

(a) In support of the claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of the injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred.

(b) In support of claims for damage to property, which has been or can be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.

(c) In support of claims for damage to property which is not economically repairable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.

(d) **Failure to specify a sum certain will render your claim invalid and may result in forfeiture of your rights.**

PRIVACY ACT NOTICE

This Notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a(e)(3), and concerns the information requested in the letter to which this Notice is attached.

A. **Authority:** The requested information is solicited pursuant to one or more of the following: 5 U.S.C. 301, 28 U.S.C. 501 et seq., 28 U.S.C. 2671 et seq., 28 C.F.R. Part 14.

B. **Principal Purpose:** The information requested is to be used in evaluating claims.

C. **Routine Use:** See the Notices of Systems of Records for the agency to whom you are submitting this form for this information.

D. **Effect of Failure to Respond:** Disclosure is voluntary. However, failure to supply the requested information or to execute the form may render your claim "invalid."

PAPERWORK REDUCTION ACT NOTICE

This notice is solely for the purpose of the Paperwork Reduction Act, 44 U.S.C. 3501. Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Director, Tort Branch, Attention: Paperwork Reduction Staff, Civil Division, U.S. Department of Justice, Washington, DC 20530 or to the Office of Management and Budget. Do not mail completed form(s) to these addresses.

SUPPLEMENT TO CLAIM FORM

7. At approximately 9:45pm at night.

8. On October 9, 2021 at approximately 9:45pm, thirty eight year old Edward Colin Colteaux (“Colin”) was present with his friends outside at the Day’s Inn, located at 665 N Freeway, Tucson, AZ 85745, which was also near a Denny’s restaurant. The clerk at the Day’s Inn, Laurel Pavlik, knew Colin from past interactions and was informed that night by a patron that there was a group of people hanging out on the stairs.

Apparently, Ms. Pavlik kicked out Colin and his friends from the Days Inn property. However, she followed the group to the parking lot, where she began screaming at Colin. The two engaged in a verbal argument. This was not the first time that Ms. Pavlik and Colin had argued. In the past, Colin would simply leave the property after arguing with her.

On the night of October 9, 2021, however, James Holmes and his mother (Iliana Holmes) and girlfriend (Emily Rodgers) were inside the Denny’s having dinner. James Holmes is a Border Patrol Special Agent and was armed with two guns—one being his service weapon. James Holmes exited the Denny’s and went to his car with his girlfriend and mother. On the way to the car, Ms. Rodgers witnessed Colin and Ms. Pavel arguing in the parking lot.

Despite the fact that Colin had no weapon or anything in his hands and was not physically attacking Ms. Pavlik at all, Emily Rodgers (James Holmes’ girlfriend) began screaming and yelling that Colin was “going to kill” Ms. Patrick. At that point, James Holmes exited his car and yelled “Stop!” at Colin. However, before he finished saying “Stop!,” Special Agent Holmes shot his service weapon seven times. Multiple bullets hit Colin in the back and killed him. This was an unprovoked and unjustified shooting. Mr. Holmes was not in danger himself, and nobody else was in danger of being physically attacked in any way.

Immediately after the shooting, Mr. Holmes called U.S. Customs and Border Patrol, and someone from that agency came and picked him up. Mr. Holmes exercised his right on the scene not to make a statement to the police.

On April 4, 2023 John Sharp, attorney for Colin’s mother, Karla Colteaux and father, Edward J. Colteaux, submitted a FOIA request on their behalf to U.S. Customs and Border Control in connection with the events described above on October 9, 2021 and concerning James Holmes. To date, no response has been received to this request.

Enclosed along with this claim, and incorporated herein by reference, are copies of the police reports and autopsy report showing that Colin was shot in the back five times by James Holmes, and that this caused his death.

Mr. Holmes tortious conduct that night was negligent at best, intentional and reckless at worst. By being armed that night, Mr. Holmes had a duty to conduct himself as a reasonable person/reasonable Border Patrol Officer would. Mr. Holmes breached that duty by failing to de-

escalate the situation, and using unreasonable and improper deadly lethal force in shooting Colin without any reasonable basis for doing so.

On the night of the shooting (October 9, 2021), Mr. Holmes and his girlfriend alleged that Colin was throwing rocks at Ms. Patrick. However, in the course of the police investigation, it became evident that these allegations were false. The police department put together a reenactment of that night based on the photographs of the scene and trajectory of the bullets/other evidence from the scene. From all their investigation, it is evident that there were no rocks being thrown. The only rocks remotely close to where Colin and Ms. Patrick were located that night were large, permanent landscaping boulders. This evidence has been requested, but not yet been supplied to the claimant, but will be sent as an exhibit as soon as possible.

Although Mr. Holmes stated that he was off duty that night, this has not been verified (the FOIA request has not yet been responded to). Even if Mr. Holmes was off duty, U.S. Customs and Border Patrol ("CBP") is liable for his actions that night. The CBP handbook and applicable CBP policy states that "In threatening, emergent situations, Authorized Officers/Agents are authorized to use any available weapon, device or technique in a manner that is reasonable and necessary for self-defense or the defense of another person." (See Chapter 1, Section (C)(1) of handbook). The policy handbook also states that the carriage of a CBP firearm "...whether on- or off-duty, is governed by this *Handbook* and applicable CBP policy." (See Chapter 1, Section (B)(1)).

CBP issued the service weapon to Mr. Holmes, authorized Mr. Holmes to carry the service weapon while off-duty, and authorized Mr. Holmes to use such service weapon if necessary for the "defense of another." Further, The CBP authorized/permitted Mr. Holmes to use force to control subjects in defense of himself and others. As such, Mr. Holmes was acting within the scope of his duty/duties on the night of October 9, 2021. The CBP failed to control Mr. Holmes, and failed to properly train and/or supervise Mr. Holmes.

11. Possible witnesses include:

See attached list.

This is not intended to be an exhaustive list of possible witnesses. Claimant reserves the right to identify and call additional witnesses as they become known.

12c. Karla Colteaux is claiming \$2,000,000.00 for the pain and suffering (including the severe emotional and mental distress, anxiety, stress, loss of affection and loss of companionship), plus the following for reimbursement of expenses: (1) travel, funeral and burial expenses of \$21750.41 (2) loss of family income \$55,200.00 due to grief (3) medical expenses \$1340.00. Claimant will submit documentation of the above as soon as it is available.

13b. If for any reason, the agency believes that this notice of claim is not in compliance with the requirements of the FTCA, or any additional information is required, please contact John Sharp, (415) 479-1645 or John@johnsharplaw.com

WITNESS LIST

Edward John Colteaux
c/o John Sharp
Law Offices of John Sharp
24 Professional Center Parkway, Suite 110
San Rafael, CA 94903
Telephone: 415 479 1645

Karla Colteaux
c/o John Sharp
Law Offices of John Sharp
24 Professional Center Parkway, Suite 110
San Rafael, CA 94903
Telephone: 415 479 1645

Detective Vasquez
c/o Tucson Police Department

Special Agent James Holmes
2128 S. Albro Blvd.
Tucson, AZ 85708

Special Agent Jason D. Kusek
ID: T240
c/o US CBP
Tucson, AZ

Iliana Holmes
Address Unknown

Laurel Pavlik
c/o Days Inn
655 No. Freeway
Tucson, AZ 85745

Caitlin Henhoeffler
Address Unknown

Kimberely Hogan
Address Unknown

John Hogan
Address Unknown

Ivana Rose Escalante
Address Unknown

Clint Palmer
Address Unknown

Mark Sanderson
Address Unknown

John A. Gasaway
Address Unknown

Manuel Dorame
Address Unknown

Amri Beriter
Address Unknown

Vincente Valenzuela
Address Unknown

Shawn Corrigan
Address Unknown

Joshua Krause
Address Unknown

Francisco Lopez
Address Unknown

James Schmidt
Address Unknown

Jacob Gunn
Sara Wilde

Casey Baker
Address Unknown

Christine Montoya
Address Unknown

Jeffrey Reeves
Address Unknown

Carl Sissick
Address Unknown

Jeremy John
Address Unknown

Andrew S. Allen
Address Unknown

Ashley Covarrubias
Address Unknown

John Lushbaugh
Address Unknown

Darrell Joseph Hussman
Address Unknown

Antonio Pena
Address Unknown

Andrew Anderson
Address Unknown

Joshua Castorela
Address Unknown

Jason Baron
Address Unknown

Benjamin Marquedant
Address Unknown

Matthew Clarke
Address Unknown

Caitlyn Kelley
Address Unknown

Travis Wilson
Address Unknown

Cody York
Address Unknown

Kylia Myers
Address Unknown

Rafael Federico
Address Unknown

Melody McLaughlin
Address Unknown

David Scordato (sp?)
Address Unknown

INDEX OF EXHIBITS

1. Tucson Police Department Case Summary Report #2110090188, dated: 10/10/21
2. Edward Colteaux Autopsy Report #21-3883, dated: 10/12/21

EXHIBIT ONE

**Tucson Police Department Case Summary
Report #2110090188, dated: 10/10/21**

OFFICIAL REPORT**Case Summary Report**

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 06:43:04

Last Modified: 10/10/2021 06:42:43

Incident Information

Date/Time Reported 10/09/2021 21:48	Date/Time Found 10/09/2021 21:48	Date/Time Found 10/09/2021 21:48	Officer (101163) ANDERSON, ANDREW
Incident Location [REDACTED]			

Crime Classification (UCR)

1	Charge Type HOMICIDE/MURDER	TPD CODE 0101	FBI 09A	<input type="checkbox"/> Att <input checked="" type="checkbox"/> Com
Alcohol, Drugs or Computers Used <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computers		Location Type PARKING LOT/GARAGE	Premises Entered <input type="checkbox"/> Yes <input type="checkbox"/> No	Forced Entry <input type="checkbox"/> Yes <input type="checkbox"/> No
Weapons 1. Handgun		2. 3.		
Entry	Exit	Criminal Activity N		
Bias Motivation NONE (NO BIAS)		Bias Target	Bias Circumstances	Hate Group

Victim(s)

Seq. # 0	Name Type INDIVIDUAL	Injuries Fatal	AZ Resident (R, N or U) Resident	Ethnicity Non-Hispanic
Name (Last, First, M) COLTEAUX, EDWARD COLIN			Race W	Sex M
DOB [REDACTED]			Age 38	
Address [REDACTED]			Home Phone	
Employer Name/Address			Business Phone	
Victim of Crimes 1	Email Address		Cell Phone	

☐ TTY Required
 ☐ I CHOOSE 'upon request' rights in this case
☐ I WAIVE 'upon request' rights in this case
 ☐ REQUEST/Waiver exception per A.R.S. 13-4405(B) and Section 8-386(B)

Lawful Representative (If Applicable):

Relationship to Victim:

Phone Number (If Different From Victim):

Address (If Different from Victim):

OFFICIAL REPORT**Case Summary Report**

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 06:43:04

Last Modified: 10/10/2021 06:42:43

Offender(s)

Seq. # 1	Name Type INDIVIDUAL	Name(Last, First, M) HOLMES, JAMES						
AKA		Race U	Sex M	DOB [REDACTED]	Age 24	Height	Weight	
Address 2128 S ALBRO BL, TUCSON, AZ 85708						Home Phone (928) 920-7902		
Employer Name/Address						Business Phone		
Scars, Marks, Tatoos or other distinguishing features								
Physical Characteristics								

Suspect Details**Witnesses**

Seq. # 1	Name (Last, First, M) HENHOEFFER, CAITLIN	Race	Sex F	DOB [REDACTED]	Age 30
Address				Home Phone	
Employer Name/Address				Business Phone	
Witness Type					

Witness Notes

OFFICIAL REPORT**Case Summary Report**

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 06:43:04

Last Modified: 10/10/2021 06:42:43

Witnesses

Seq. #	Name (Last, First, M)	Race	Sex	DOB	Age
1	HOGAN, KIMBERLY		F		53
Address				Home Phone	
Employer Name/Address				Business Phone	
Witness Type					

Witness Notes

Seq. #	Name (Last, First, M)	Race	Sex	DOB	Age
2	HOGAN, JOHN	W	M		58
Address				Home Phone	
Employer Name/Address				Business Phone	
Witness Type					

Witness Notes

Seq. #	Name (Last, First, M)	Race	Sex	DOB	Age
3	PAVLIK, LAUREL L	W	F		55
Address				Home Phone	
Employer Name/Address				Business Phone	
Witness Type					

Witness Notes

Seq. #	Name (Last, First, M)	Race	Sex	DOB	Age
4	ESCALANTE, IVANA ROSE	I	F		30
Address				Home Phone	
Employer Name/Address				Business Phone	
Witness Type					

Witness Notes

OFFICIAL REPORT**Case Summary Report**

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Witnesses

Seq. # 5	Name (Last, First, M) PALMER, CLINT	Race W	Sex M	DOB [REDACTED]	Age 47
Address [REDACTED]				Home Phone [REDACTED]	
Employer Name/Address [REDACTED]				Business Phone [REDACTED]	
Witness Type [REDACTED]					

Witness Notes

Seq. # 6	Name (Last, First, M) SANDERSON, MARK	Race W	Sex M	DOB [REDACTED]	Age 56
Address [REDACTED]				Home Phone [REDACTED]	
Employer Name/Address [REDACTED]				Business Phone [REDACTED]	
Witness Type [REDACTED]					

Witness Notes

Other Persons Involved

Name Type Involved, Other	Seq. # 1	Name (Last, First, M) GASAWAY, JOHN A	Race W	Sex M	DOB [REDACTED]
Address [REDACTED]				Home Phone [REDACTED]	
Employer Name/Address /				Business Phone [REDACTED]	

OFFICIAL REPORT

Agency: TPD

Case Summary Report

Case Number: 2110090181

Date: 10/10/2021 06:43:04

Last Modified: 10/10/2021 06:42:43

Property

Seq. # 0	Description SPENT .40 CASING	Serial Number	Make/Model
Owner		License / State	Color
Status EVIDENCE	Status Officer (00003) OFFICER, BEAST	Quantity 1.00	Units of Measure Value
Gun Type	Caliber	Finish	Grip Gun Stock
Condition	Gun Test <input type="checkbox"/> Yes <input type="checkbox"/> No	Test Type	Sight Test <input type="checkbox"/> Yes <input type="checkbox"/> No
Property Notes			
Seq. # 0	Description SPENT .40 CASING	Serial Number	Make/Model
Owner		License / State	Color
Status EVIDENCE	Status Officer (00003) OFFICER, BEAST	Quantity 1.00	Units of Measure Value
Gun Type	Caliber	Finish	Grip Gun Stock
Condition	Gun Test <input type="checkbox"/> Yes <input type="checkbox"/> No	Test Type	Sight Test <input type="checkbox"/> Yes <input type="checkbox"/> No
Property Notes			
Seq. # 0	Description SPENT .40 CASING	Serial Number	Make/Model
Owner		License / State	Color
Status EVIDENCE	Status Officer (00003) OFFICER, BEAST	Quantity 1.00	Units of Measure Value
Gun Type	Caliber	Finish	Grip Gun Stock
Condition	Gun Test <input type="checkbox"/> Yes <input type="checkbox"/> No	Test Type	Sight Test <input type="checkbox"/> Yes <input type="checkbox"/> No
Property Notes			

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Property

Seq. # 0	Description SPENT .40 CASING	Serial Number	Make/Model
Owner		License / State	Color
Status EVIDENCE	Status Officer (00003) OFFICER, BEAST	Quantity 1.00	Units of Measure Value
Gun Type	Caliber	Finish	Grip Gun Stock
Condition	Gun Test <input type="checkbox"/> Yes <input type="checkbox"/> No	Test Type	Sight Test <input type="checkbox"/> Yes <input type="checkbox"/> No
Property Notes			
Seq. # 0	Description SPENT .40 CASING	Serial Number	Make/Model
Owner		License / State	Color
Status EVIDENCE	Status Officer (00003) OFFICER, BEAST	Quantity 1.00	Units of Measure Value
Gun Type	Caliber	Finish	Grip Gun Stock
Condition	Gun Test <input type="checkbox"/> Yes <input type="checkbox"/> No	Test Type	Sight Test <input type="checkbox"/> Yes <input type="checkbox"/> No
Property Notes			
Seq. # 0	Description SPENT .40 CASING	Serial Number	Make/Model
Owner		License / State	Color
Status EVIDENCE	Status Officer (00003) OFFICER, BEAST	Quantity 1.00	Units of Measure Value
Gun Type	Caliber	Finish	Grip Gun Stock
Condition	Gun Test <input type="checkbox"/> Yes <input type="checkbox"/> No	Test Type	Sight Test <input type="checkbox"/> Yes <input type="checkbox"/> No
Property Notes			

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Case Number: 2110090181

Date: 10/10/2021 06:43:04

Last Modified: 10/10/2021 06:42:43

Property

Seq. # 0	Description SPENT .40 CASING			Serial Number		Make/Model	
Owner				License / State		Color	
Status EVIDENCE		Status Officer (00003) OFFICER, BEAST		Quantity 1.00	Units of Measure		Value
Gun Type	Caliber	Finish		Grip		Gun Stock	
Condition	Gun Test <input type="checkbox"/> Yes <input type="checkbox"/> No	Test Type		Sight Test <input type="checkbox"/> Yes <input type="checkbox"/> No		Sight Type	
Property Notes							
Seq. # 0	Description MAGAZINE WITH 5 ROUNDS			Serial Number		Make/Model	
Owner				License / State		Color	
Status EVIDENCE		Status Officer (00003) OFFICER, BEAST		Quantity 1.00	Units of Measure		Value
Gun Type	Caliber	Finish		Grip		Gun Stock	
Condition	Gun Test <input type="checkbox"/> Yes <input type="checkbox"/> No	Test Type		Sight Test <input type="checkbox"/> Yes <input type="checkbox"/> No		Sight Type	
Property Notes							
Seq. # 0	Description PAIR OF ASICS RUNNING SHOES			Serial Number		Make/Model	
Owner				License / State		Color	
Status EVIDENCE		Status Officer (00003) OFFICER, BEAST		Quantity 2.00	Units of Measure		Value
Gun Type	Caliber	Finish		Grip		Gun Stock	
Condition	Gun Test <input type="checkbox"/> Yes <input type="checkbox"/> No	Test Type		Sight Test <input type="checkbox"/> Yes <input type="checkbox"/> No		Sight Type	
Property Notes							

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Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 06:43:04

Last Modified: 10/10/2021 06:42:43

Property

Seq. # 0	Description BLOOD SWAB	Serial Number	Make/Model
Owner		License / State	Color
Status EVIDENCE	Status Officer (00003) OFFICER, BEAST	Quantity 1.00	Units of Measure Value
Gun Type	Caliber	Finish	Grip Gun Stock
Condition	Gun Test <input type="checkbox"/> Yes <input type="checkbox"/> No	Test Type	Sight Test <input type="checkbox"/> Yes <input type="checkbox"/> No

Property Notes

Seq. # 0	Description MISC BLOODY CLOTHING ITEMS	Serial Number	Make/Model
Owner		License / State	Color
Status EVIDENCE	Status Officer (00003) OFFICER, BEAST	Quantity 1.00	Units of Measure Value
Gun Type	Caliber	Finish	Grip Gun Stock
Condition	Gun Test <input type="checkbox"/> Yes <input type="checkbox"/> No	Test Type	Sight Test <input type="checkbox"/> Yes <input type="checkbox"/> No

Property Notes

Seq. # 0	Description MISC. BLOODY CLOTHES	Serial Number	Make/Model
Owner		License / State	Color
Status EVIDENCE	Status Officer (00003) OFFICER, BEAST	Quantity 1.00	Units of Measure Value
Gun Type	Caliber	Finish	Grip Gun Stock
Condition	Gun Test <input type="checkbox"/> Yes <input type="checkbox"/> No	Test Type	Sight Test <input type="checkbox"/> Yes <input type="checkbox"/> No

Property Notes

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Property

Seq. # 0	Description BACKPACK WITH PERSONAL ITEMS			Serial Number		Make/Model	
Owner				License / State		Color	
Status EVIDENCE		Status Officer (00003) OFFICER, BEAST		Quantity 1.00	Units of Measure		Value
Gun Type	Caliber	Finish		Grip		Gun Stock	
Condition	Gun Test <input type="checkbox"/> Yes <input type="checkbox"/> No		Test Type	Sight Test <input type="checkbox"/> Yes <input type="checkbox"/> No		Sight Type	
Property Notes							
Seq. # 0	Description PARAPHERNALIA-PLASTIC STRAWQ			Serial Number		Make/Model	
Owner				License / State		Color	
Status EVIDENCE		Status Officer (00003) OFFICER, BEAST		Quantity 1.00	Units of Measure		Value
Gun Type	Caliber	Finish		Grip		Gun Stock	
Condition	Gun Test <input type="checkbox"/> Yes <input type="checkbox"/> No		Test Type	Sight Test <input type="checkbox"/> Yes <input type="checkbox"/> No		Sight Type	
Property Notes							
Seq. # 0	Description PROJECTILE			Serial Number		Make/Model	
Owner				License / State		Color	
Status EVIDENCE		Status Officer (00003) OFFICER, BEAST		Quantity 1.00	Units of Measure		Value
Gun Type	Caliber	Finish		Grip		Gun Stock	
Condition	Gun Test <input type="checkbox"/> Yes <input type="checkbox"/> No		Test Type	Sight Test <input type="checkbox"/> Yes <input type="checkbox"/> No		Sight Type	
Property Notes							

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Property

Seq. # 0	Description PROJECTILE	Serial Number	Make/Model
Owner		License / State	Color
Status EVIDENCE	Status Officer (00003) OFFICER, BEAST	Quantity 1.00	Units of Measure Value
Gun Type	Caliber	Finish	Grip Gun Stock
Condition	Gun Test <input type="checkbox"/> Yes <input type="checkbox"/> No	Test Type	Sight Test <input type="checkbox"/> Yes <input type="checkbox"/> No
Property Notes			
Seq. # 0	Description H&K P2000 .40 HANDGUN	Serial Number 123-091842DE	Make/Model
Owner		License / State	Color
Status EVIDENCE	Status Officer (00003) OFFICER, BEAST	Quantity 1.00	Units of Measure Value
Gun Type	Caliber	Finish	Grip Gun Stock
Condition	Gun Test <input type="checkbox"/> Yes <input type="checkbox"/> No	Test Type	Sight Test <input type="checkbox"/> Yes <input type="checkbox"/> No
Property Notes			
Seq. # 0	Description AZ EBT CARD	Serial Number	Make/Model
Owner		License / State	Color
Status EVIDENCE	Status Officer (00003) OFFICER, BEAST	Quantity 1.00	Units of Measure Value
Gun Type	Caliber	Finish	Grip Gun Stock
Condition	Gun Test <input type="checkbox"/> Yes <input type="checkbox"/> No	Test Type	Sight Test <input type="checkbox"/> Yes <input type="checkbox"/> No
Property Notes			

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Property

Seq. # 0	Description WHITE COVID MASK WITH BLOOD	Serial Number	Make/Model
Owner		License / State	Color
Status EVIDENCE	Status Officer (00003) OFFICER, BEAST	Quantity 1.00	Units of Measure Value
Gun Type	Caliber	Finish	Grip
Condition	Gun Test <input type="checkbox"/> Yes <input type="checkbox"/> No	Test Type	Sight Test <input type="checkbox"/> Yes <input type="checkbox"/> No

Property Notes

Seq. # 0	Description WHITE COVID MASK WITH BLOOD	Serial Number	Make/Model
Owner		License / State	Color
Status EVIDENCE	Status Officer (00003) OFFICER, BEAST	Quantity 1.00	Units of Measure Value
Gun Type	Caliber	Finish	Grip
Condition	Gun Test <input type="checkbox"/> Yes <input type="checkbox"/> No	Test Type	Sight Test <input type="checkbox"/> Yes <input type="checkbox"/> No

Property Notes

Seq. # 0	Description AZ EBT CARD	Serial Number	Make/Model
Owner		License / State	Color
Status EVIDENCE	Status Officer (00003) OFFICER, BEAST	Quantity 1.00	Units of Measure Value
Gun Type	Caliber	Finish	Grip
Condition	Gun Test <input type="checkbox"/> Yes <input type="checkbox"/> No	Test Type	Sight Test <input type="checkbox"/> Yes <input type="checkbox"/> No

Property Notes

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Property

Seq. # 0	Description PROJECTILE	Serial Number	Make/Model
Owner		License / State	Color
Status EVIDENCE	Status Officer (00003) OFFICER, BEAST	Quantity 1.00	Units of Measure Value
Gun Type	Caliber	Finish	Grip Gun Stock
Condition	Gun Test <input type="checkbox"/> Yes <input type="checkbox"/> No	Test Type	Sight Test <input type="checkbox"/> Yes <input type="checkbox"/> No

Property Notes

Seq. # 0	Description PROJECTILE	Serial Number	Make/Model
Owner		License / State	Color
Status EVIDENCE	Status Officer (00003) OFFICER, BEAST	Quantity 1.00	Units of Measure Value
Gun Type	Caliber	Finish	Grip Gun Stock
Condition	Gun Test <input type="checkbox"/> Yes <input type="checkbox"/> No	Test Type	Sight Test <input type="checkbox"/> Yes <input type="checkbox"/> No

Property Notes

Seq. # 0	Description TAN SWEATER WITH PERFORATION	Serial Number	Make/Model
Owner		License / State	Color
Status EVIDENCE	Status Officer (00003) OFFICER, BEAST	Quantity 1.00	Units of Measure Value
Gun Type	Caliber	Finish	Grip Gun Stock
Condition	Gun Test <input type="checkbox"/> Yes <input type="checkbox"/> No	Test Type	Sight Test <input type="checkbox"/> Yes <input type="checkbox"/> No

Property Notes

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Property

Seq. # 0	Description SIG SAUER P365 9MM			Serial Number 66B219085		Make/Model	
Owner				License / State		Color	
Status EVIDENCE		Status Officer (00003) OFFICER, BEAST		Quantity 1.00	Units of Measure		Value
Gun Type	Caliber	Finish		Grip		Gun Stock	
Condition	Gun Test <input type="checkbox"/> Yes <input type="checkbox"/> No	Test Type		Sight Test <input type="checkbox"/> Yes <input type="checkbox"/> No		Sight Type	
Property Notes							
Seq. # 0	Description SLEEPING BAG			Serial Number		Make/Model	
Owner				License / State		Color	
Status EVIDENCE		Status Officer (00003) OFFICER, BEAST		Quantity 1.00	Units of Measure		Value
Gun Type	Caliber	Finish		Grip		Gun Stock	
Condition	Gun Test <input type="checkbox"/> Yes <input type="checkbox"/> No	Test Type		Sight Test <input type="checkbox"/> Yes <input type="checkbox"/> No		Sight Type	
Property Notes							
Seq. # 0	Description MAGAZINE FROM SIG SAUER			Serial Number		Make/Model	
Owner				License / State		Color	
Status EVIDENCE		Status Officer (00003) OFFICER, BEAST		Quantity 1.00	Units of Measure		Value
Gun Type	Caliber	Finish		Grip		Gun Stock	
Condition	Gun Test <input type="checkbox"/> Yes <input type="checkbox"/> No	Test Type		Sight Test <input type="checkbox"/> Yes <input type="checkbox"/> No		Sight Type	
Property Notes							

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Property

Seq. # 0	Description MAGAZINE WITH ROUNDS FROM H&K		Serial Number		Make/Model
Owner			License / State		Color
Status EVIDENCE		Status Officer (00003) OFFICER, BEAST		Quantity 1.00	Units of Measure
Gun Type		Caliber	Finish	Grip	Gun Stock
Condition	Gun Test <input type="checkbox"/> Yes <input type="checkbox"/> No		Test Type	Sight Test <input type="checkbox"/> Yes <input type="checkbox"/> No	Sight Type
Property Notes					

Vehicle(s)

Seq. # 1	Year 2020	Color SILVER	Style 4 DOOR	Make TOYOTA	Model RAV4
VIN 2T3DWRFFV0LW088507		License Plate Type PASSENGER CAR	License / State GHA3B4A / AZ	License Year 2022	Owner
Status NONE		Status Date 10/10/2021		Value	
Vehicle Notes					
Seq. # 2	Year 2020	Color RED	Style 4 DOOR	Make MAZDA	Model CX9
VIN JM3TCADY7L0403933		License Plate Type PASSENGER CAR	License / State PAA7B3A / AZ	License Year 2022	Owner
Status NONE		Status Date 10/10/2021		Value	
Vehicle Notes					

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Vehicle(s)

Seq. # 3	Year 2021	Color WHITE	Style 4 DOOR	Make TOYOTA	Model CAMRY
VIN 4T1G11AK7MU534592		License Plate Type PASSENGER CAR	License / State BYX1291 / AZ	License Year 2022	Owner
Status NONE		Status Date 10/10/2021		Value	
Vehicle Notes					

Assisting Officer(s)

(45470) STONEHAM, MICHAEL J

(47223) ALLEN, ANDREW S

(51612) COVARRUBIAS, ASHLEY S

(51915) LUSHBAUGH, JOHN

(53341) HUSSMAN, DARRELL JOSEPH

(52901) PENA, ANTONIO

(101163) ANDERSON, ANDREW

(101294) CASTORELA, JOSHUA

(101856) BARTON, JASON

(102420) MARQUEDANT, BENJAMIN

(102556) CLARKE, MATTHEW

(102555) KELLEY, CAITLYN

(102570) WILSON, TRAVIS

(102545) YORK, CODY

(103216) MYERS, KYLIA

(103073) FEDERICO, RAFAEL

(103069) MCLAUGHLIN, MELODY

(103052) SCORDATO, DAVID

(103049) TAYLOR, JOHN

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Assisting Officer(s)

(103074) VALENZUELA, VICENTE

(103295) CORRIGAN, SHAWN

(103277) KRAUSE, JOSHUA

(103280) LOPEZ, FRANCISCO

(103273) SCHMIDT, JAMES

(103503) GUNN, JACOB

(103495) WILDE, SARA

(103804) BAKER, CASEY

(104054) MONTOYA, CHRISTINE

(104046) REEVES, JEFFREY

(104196) SISSICK, CARL

(104195) JOHN, JEREMY

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Notes/Narratives

****BWC utilized, muted while speaking to officers****

On 10/09/2021 I was functioning as a two-unit patrol officer, with Ofc. Wilson (#102570), in a marked patrol vehicle. During my normal patrol duties, I was dispatched to the Denny's restaurant located at 555 N. Freeway, in reference to a Border Patrol Agent requesting immediate back up.

Prior to our arrival it was also reported that there was a subject that was shot at the scene.

Upon my arrival to the location, Ofc. Pena (#52901) and Ofc. Barton (#101856) were already on scene. Ofc. Pena had begun to check the condition of a subject on the ground that was shot. The subject was later identified as Edward Colteaux. I immediately approached and began to administer aide using my IFAK. While rendering aide, there was a gunshot wound located on the lower back of the subject (appeared to be an entrance wound), and a gunshot wound on the subject's upper right shoulder area (appeared to be an entrance and exit wound). There was a large lump on the Edward's chest, it looked like it possibly a new injury. I began to cut the clothing off of Edward's body to get a better check if there were any other injuries.

A short while later Tucson Fire Department responded to the scene and began treating Edward's injuries. At the time of 2205 Edward was pronounced dead by Dr. Gaither.

Ofc. Pena advised that he was the first unit to arrive on scene. When he arrived he made brief contact with James, and then began to render aide to Edward. See Ofc. Pena's supplemental report for further details.

Ofc. Wilson remained with the off duty Border Patrol Agent involved, later identified as James Holmes. Ofc. Wilson had collected the firearm used in this incident from James. See Ofc. Wilson's supplemental report for further details.

Ofc. Covarrubias (#51612) had interviewed another complainant/eye witness, Laurel Pavlik. Ofc. Covarrubias advised me that Laurel reported that she had told Edward to leave the property of the Days Inn (665 N. Freeway) and he had been confrontational. Laurel reported that during the time she was getting Edward off the property he had made multiple statements that he was going to harm her. Edward began to escalate, and tried to throw rocks at Laurel, when the shooting occurred. See Ofc. Covarrubias' supplemental report for further details.

Ofc. Baker (#103804) remained with James while the investigation was occurring, and transported him to the substation located at 270 S. Stone. See Ofc. Baker's supplemental report for further details.

There were multiple officers who responded to the scene and spoke with multiple eye witnesses and audio witnesses of the incident.

I collected a list of witness names and information and briefed detective units upon their arrival of the incident.

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Notes/Narratives

Detectives conducted a next of kin notification in this case.

I remained on scene until the investigation at the scene was complete. At the time I approved this report the investigation was still on going. I did not collect any evidence at the scene of the incident.

This concludes my involvement in this case. See all supplemental reports for further details.

NFI

Anderson 101163

Notes/Continuation

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Date: 10/13/2021 13:30:07

Supplement Information

Supplement Date	Supplement Type	Supplement Officer
10/13/2021 11:49:48	ADDITIONAL DETAILS	(48373) LOCKWOOD, JEFFREY RAYMOND
Contact Name		Supervising Officer
		(41537) HAYNES, SCOTT

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Date: 10/13/2021 13:30:07

Supplement Notes

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Location: 665 N. Freeway, Tucson AZ 85701-The Day's Inn

On 10/09/21, I was working in the Homicide Unit and was contacted by Sergeant Haynes #41537, who directed me to respond to the Day's Inn located at 665 N. Freeway in reference to a homicide investigation.

Upon arrival, I observed that the area between the Day's Inn and Denny's to the south had been cordoned off with crime scene tape. Numerous marked police units were on scene and officers were standing by conducting scene security and with witnesses.

Once all investigative personnel arrived on scene, a briefing was given by Officer Anderson #101163, who provided the following information:

Today at 2148 hours, US Border Patrol Dispatch contacted Tucson Police Communications and reported that an off-duty special agent had been involved in a shooting at 665 N. Freeway. It was later learned that in addition to the communications center advising police of the shooting, a female identified as Laurel Patrick, had called 911 to report the incident. Laurel was identified as the clerk employed at the Day's Inn and reported that a homeless male had been shot.

Officers responded to the scene and located a male identified as James Holmes. James identified himself as a Border Patrol Special Agent and had been holding a handgun which he placed on the front seat of his silver Toyota Rav 4 (AZ license plate #: GHA3B4A). When contacting officers, James stated, "I shot him. He was throwing rocks at the female."

Officers located a male, later identified as Edward Colteaux, lying on the ground in the parking lot. An unknown female was on top of Edward and officers found that Edward suffered from apparent gunshot wounds. Officers rendered aid and Tucson Fire Department (TFD) personnel responded to the scene to assist. Life-saving efforts were unsuccessful and Edward succumbed to his wounds and was pronounced deceased at 2205 hours by Dr. Gaither.

Officers contacted Laurel who said that she was working at the hotel when she was approached by a guest who told her that there was a group of

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people hanging out on the stairs doing drugs. Laurel walked the property and located a number of individuals who she kicked off the property. Laurel followed the group to the parking lot when Edward "Flipped out". Edward began screaming at Laurel and told her, "You need to die, fucking cunt" and "I'm going to fucking kill you". Laurel observed something in Edward's right hand and advised that he started throwing rocks.

A number of other witnesses were identified to include James's fiance, Emily Rodgers and his mother, Iliana Holmes who had both been inside the Rav4 when the shooting happened. The female who was found on top of Edward refused to identify herself to police but remained on scene. An additional two witnesses were located, identified as Manuel Dorame who was outside the Denny's on the northwest corner. Manuel reported that he saw a male exit the Rav4 and shoot about 10 rounds. Amri Beriter was located who had been eating inside the Denny's at the time of the incident. Amri heard a number of shots, looked outside and saw a male by the Rav4 fire once.

Officer Wilson #102570 obtained the gun that James had used from the driver's seat of the Rav4. When doing so, James told him that after shooting, he had placed a fresh magazine into the weapon. The gun was reported to be an H&K P2000 .40 handugn (serial #: 123-091842DE).

Officers located 7 spent casings on the ground in addition to a magazine lying nearby.

Upon completion of the briefing, Sergeant Haynes made the following assignments:

Detective Vazquez #44603: Primary investigator-Interview Laurel and Emily.

Detective Robinson #43002: Secondary-Assist Detective Vazquez.

Myself and Detective Cheek #41238: Process the scene.

Detectives Pena #54035, Foster #50738 and Orozco #44602: Conduct interviews.

Crime Scene Specialist Rose #104552 responded to the scene and began to take overall photographs.

I conducted a walk-through of the scene and identified that the silver Rav4 was parked in the driveway facing east at the exit on N. Freeway. The front and rear driver's side doors were open to the vehicle. A number of spent cartridge casings were on the ground to the north of the Rav4, in addition to a magazine. Edward was lying on the ground approximately 20 yards to the west. Medical supplies were on the ground around Edward in addition to a backpack, just west of him. I observed that a red Mazda CX-9 (AZ license plate #: PAA7B3A) had bullet strikes into the passenger rear quarter panel and a white Toyota Camby (AZ license plate #: BYX1291) also had a bullet strike to it. There was a projectile on the ground under the Mazda and additionally to the southeast of it.

Detective Cheek and I canvassed the parking lot and surrounding areas to include the hotel, the vehicles parked in the lot and west of the scene to identify any other bullet strikes and did not locate any.

Detective Cheek and I then processed the scene. During the search I acted as Recorder and Detective Cheek acted as a Searcher. The following items were located and photographed in place prior to seizing:

- 0001: Silver Toyota Rav4 (AZ license plate#: GHA3B4A)-Parking lot/Southeast exit onto Freeway (Photo only).
- 0002: Spent .40 cartridge casing-Ground/North of Rav4.
- 0003: Spent .40 cartridge casing-Ground/North of Rav4.
- 0004: Spent .40 cartridge casing-Ground/North of Rav4.
- 0005: Spent .40 cartridge casing-Ground/North of Rav4.
- 0006: Spent .40 cartridge casing-Ground/North of Rav4.
- 0007: Spent .40 cartridge casing-Ground/North of Rav4.

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0008: Spent .40 cartridge casing-Ground/North of Rav4.
 0009: Magazine with 5 live rounds-Ground/North of Rav4.
 0010: Asics running shoes-Ground/East of victim.
 0011: Blood swab-Ground/East of victim.
 0012: Disturbance in rocks-Ground/In landscaping by victim (Photo only).
 0013: Victim (Photo only).
 0014: Miscellaneous bloody clothing items-Ground/next to victim.
 0014A: AZ EBT card (Number: [REDACTED]) -From jeans front pocket.
 0014B: White Covid mask-From jeans front pocket.
 0015: Miscellaneous bloody clothing items-Ground/next to victim.
 0016: Backpack with belongings-Ground/West of victim.
 0016A: Sweater with bullet perforation-From inside backpack.
 0017: Narcotic paraphernalia (straw)-Ground/West of victim.
 0018: Large concrete rock-Landscaped area/West of victim (Photo only).
 0019: Large concrete rock-Landscaped area/West of victim (Photo only).
 0020: Broken branch on bush-Landscaped area/West of victim (Photo only).
 0021: White Toyota Camry (AZ license plate #: BYX1291)-Parking space/West of victim (Photo only).
 0021A: Bullet strike-Rear passenger trunk-Toyota Camry (Photo only).
 0022: Bullet jacketing-Ground/East of Mazda.
 0023: Red Mazda CX-9 (AZ license plate #: PAA7B3A)-Parking space/West of victim (Photo only).
 0023A: Bullet strike-Mazda/Rear passenger upper quarter panel (Photo only).
 0023B: Bullet strike-Mazda/Rear passenger upper quarter panel (Photo only).
 0024: Projectile-Ground/Under Mazda.
 0025: Projectile-Ground/Under victim.
 0026: Projectile-From sleeping bag attached to backpack.
 0027: Bullet perforation in backpack-Ground/west of victim (Photo only).

JRL01: H&K P2000 .40 handgun (Serial#: 123-091842DE)-Obtained from Officer Wilson.
 JRL02: Sig P365 9mm handgun (Serial#: 66B219085)-From Officer Corrigan #103295.
 JRL03: Magazine from Sig handgun.
 JRL04: Magazine from H&K handgun.

Officer Corrigan had notified me that upon arrival to the scene he had contacted Emily Rodgers who indicated that there was another weapon inside of the Rav4's center console. Officer Corrigan obtained the weapon and identified it as the Sig P365 9mm. I obtained the weapon from Officer Corrigan, had it photographed and took it as evidence.

I additionally had obtained the weapon Officer Wilson had obtained from the front seat of the Rav4 which was the H&K handgun.

I took custody of the above listed found items and transported them to Epic, where Detectives Cheek, Foster and I placed them into evidence.

On 10/11/21, I learned from Detective Vazquez that Edward suffered from three gunshot wounds and had during autopsy, he had recovered two projectiles from his person. In reviewing the evidence, an additional bullet strike was found in the backpack and into the sleeping bag where another projectile was found. A projectile was on the ground under the victim. Two bullet strikes into the Rav4 where the projectiles were not recovered and an additional projectile and jacket were on the ground near the Mazda. The owner of the Mazda additionally located a strike

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underneath the vehicle after police released it to them resulting in 7 identified strikes and 7 identified projectiles, coinciding with the 7 spent .40 casings.

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Supplement Information

Supplement Date	Supplement Type	Supplement Officer
10/12/2021 17:00:00	ADDITIONAL DETAILS	(50738) FOSTER, NATHANIEL R
Contact Name		Supervising Officer
		(49562) GANNON, MICHAEL R

Witnesses

Seq. # 11	Name (Last, First, M) BEREITER, AMRI	Race W	Sex F	DOB [REDACTED]	Age 24
Address [REDACTED]				Home Phone [REDACTED]	
Employer Name/Address /				Business Phone	
Witness Type					

Witness Notes

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Supplement Notes

On 10/09/21 I was contacted by Sgt. Gannon #49562 and he requested I respond to investigate a homicide that occurred at 665 N. Freeway.

I responded to the incident location. Officers had the parking lot between the Denny's and Days Inn blocked off with crime scene tape. There was a body of a deceased male under a blanket on the southeast side of the Days Inn.

Officer Anderson #101163 provided the following information during an incident briefing. Officers from multiple divisions responded to the Denny's reference a Border Patrol Agent who was requesting immediate assistance. Officers contacted off duty border patrol agent, James Holmes and he was armed with a handgun. Holmes was near a silver Toyota SUV and there were multiple .40 caliber bullet casing on the ground. Holmes indicated he was involved in a shooting. An Officer took custody of Holmes handgun. A male shooting victim was located in the parking lot. TFD responded and lifesaving efforts were unsuccessful. The unidentified male was pronounced deceased at 2205 hours by Dr. Gaither. Multiple witnesses were located.

After the briefing I was directed to interview Amri Bereiter. Below is a summary of my recorded interview with Amri.

- Amri was inside the Denny's, seated at a booth, and she heard multiple gunshots.
- She turned and looked out the window. She observed a male standing near a Toyota SUV and she saw him fire a gun shot.
- After the shooting, the male removed the magazine from the gun, and it looked like he put it in his pocket.
- The male went to the Toyota and opened one of the doors on the driver's side.
- Amri pointed to where she was seated inside the Denny's. She was seated facing south and she turned and looked east where she saw the previously described information.
- Amri estimated she heard approximately six gunshots fired.
- The male she saw shooting was facing west in the parking lot.
- Other people inside the restaurant became aware there had been a shooting outside.
- Amri said she looked out the window a few more times and she did not observe anything else.
- She saw the police had showed up and an Officer asked her about what she had observed.
- Amri was with her husband Christopher, her friend Jessica, and her friend's boyfriend Tony. The people she was with were unable to see the incident.
- Amri was not aware of any disturbances in the parking lot prior to hearing the gunshots.

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After the interview Amri went inside the Denny's with me and showed me where she was seated. She stated she had to move the window shade to look out the window. It was difficult to see outside the restaurant because the window shades were closed.

After the interview I assisted with processing the crime scene. I canvassed the south side of the Days Inn for bullet strikes. I assisted with collecting evidence. I opened the sleeping bag that was attached the deceased male's backpack. The sleeping bag had been struck with gunfire. Inside the rolled up sleeping bag, I located a bullet projectile. CSS Fisher #104569 utilized a Morpho ID to identify the deceased male prior to OME taking custody of the body. CSS Fisher took photos of where Amri was seated inside the Denny's and included photos of her perspective from where she was seated. I assisted with collecting evidence. After the evidence was collected, I responded to EPIC to assist with submitting the collected items.

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Date: 10/13/2021 14:45:04

Supplement Information

Supplement Date	Supplement Type	Supplement Officer
10/12/2021 07:46:11	ADDITIONAL DETAILS	(54035) PENA, GABRIEL
Contact Name		Supervising Officer
		(49562) GANNON, MICHAEL R

OFFICIAL REPORT



Incident/Investigation Report

Agency: TPD

Case Number: 2110090181

Date: 10/13/2021 14:45:04

Supplement Notes

On 10-09-21, I received a phone call from Sgt. Gannon #49562 requesting that I respond to 555 N Freeway in reference to a homicide investigation.

SUMMARY:

Upon arrival, I attended an investigative briefing conducted by Officer Anderson #101163 and the following information was relayed:

James Holmes was at leaving the Denny's Dinner at 555 N Freeway. Holmes was with his fiancé, Emily Rodgers, and mother, Liana Holmes.

Around that time, Day's Inn employee, Laurel Lee Pavlik, had told a group of subjects to leave the property as they were trespassing. Pavlik followed the group off the property. One of the subjects involved who was later identified as, Edward Colteaux, became argumentative with Pavlik.

Colteaux made threats to kill Pavlik and threw rocks at her. Liana witnessed this and alerted James. James exited his vehicle and shot Colteaux multiple times. Colteaux succumbed to his injuries and was pronounced deceased on scene. Officers arrived on scene. During contact James made utterances indicating he shot Colteaux as he was throwing rocks at Pavlik.

James works as a Border Patrol Agent and was off duty at the time of the incident. Patrol Officers took custody of the firearm James used during the incident.

ASSIGNMENTS:

At the conclusion of the briefing Sgt. Haynes #41537 requested that I interview witnesses Manuel Dorame and I'Vana Escalante. Below is a summary of my contact with Dorame and Escalante. Please refer to the audio recordings located in Evidence.com for additional information.

DORAME INTERVIEW:

- Dorame was by a trash can on the western portion of the property.
- He got up and heard some commotion by the Denny's.

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Incident/Investigation Report

Agency: TPD

Case Number: 2110090181

Date: 10/13/2021 14:45:04

- Dorame did not hear what the commotion (non-confrontational) was about and did not find it alarming.
- He was walking toward the Denny's/Days Inn.
- Dorame happens to look up and sees a gray car.
- A subject (James Holms) jumps out of the car.
- Dorame sees Holms shoot and hears multiple 5-10 gunshots.
- Holms shot a guy (Edward Colteaux) in the back multiple times.
- Dorame did not hear any commands prior to the shooting.
- Dorame exchanged words with Holms expressing his frustration that Holms shot too many times.
- Dorame did not know why Holms shot.
- Dorame stayed back and then went to the store.
- He felt Holms shouldn't have shot Colteaux that many times.
- Dorame knows of the shooting victim but he does not know his name or have any additional information (Colteaux was not identified at the time of our contact).
- At the time of the shooting, Dorame was standing near the back corner of the Denny's parking lot heading toward the Days Inn.

During my contact with Dorame, he expressed it was very difficult for him to talk about the incident. He refused any services and was reluctant to go into details about the shooting. I provide Dorame with my department contact information if he were to have any additional information.

ESCALANTE INTERVIEW:

- Escalante was with her friend she knows as "Patrick". Patrick was later identified as, Edward Colteaux.
- Escalante, Colteaux, and two other male subjects were at the Day's Inn motel smoking and Colteaux was charging his phone.
- She did not have any information on the other two subjects and did not know where they were.
- The front office clerk told them to leave and said something to upset Colteaux.
- She kept following them and told them to leave.
- Colteaux argued with the office clerk.
- The clerk is always messing with Colteaux.
- Escalante heard Patrick call the clerk a "Bitch" but no other threats.
- She turned to walk away.
- A guy got out of his car and shot Colteaux four times by the guy in an SUV.
- She dropped her belongings and saw Colteaux face down on curb.
- Escalante did not know why the subject shot Colteaux.
- At the time of the incident she was a little ahead of Colteaux walking toward the gas station.
- Escalante estimated she was approximately 15'-25' in front of Colteaux.
- After the shooting Holms told Escalante to get away, but she did not listen to him.
- Holms did not say anything else to Escalante.
- She did not see Colteaux with anything in his possession at the time of the incident.
- Escalante advised no one was throwing rocks.

Prior to my contact with Escalante, officers advised she was uncooperative and refused to identify herself. Escalante had a difficult time providing information about the incident. I provided her with my department business card with contact information if she were to have any additional information. Escalante refused victim/witness services.

At the conclusion of my interviews I briefed Sgt. Haynes. I then assisted with processing the scene and was eventually cleared.

OFFICIAL REPORT



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Agency: TPD

Case Number: 2110090181

Date: 10/13/2021 14:45:04

NFI.

OFFICIAL REPORT**Incident/Investigation Report**

Agency: TPD

Case Number: 2110090181

Date: 10/13/2021 17:57:12

Supplement Information

Supplement Date	Supplement Type	Supplement Officer
10/11/2021 09:07:03	ADDITIONAL DETAILS	(103820) JIMENEZ, ALAN
Contact Name	Supervising Officer	
	(53341) HUSSMAN, DARRELL JOSEPH	

Other Persons Involved

Name Type Involved, Other	Seq. # 4	Name (Last, First, M) THOMPSON, ROBERT	Race U	Sex M	DOB [REDACTED]
Address [REDACTED]				Home Phone [REDACTED]	
Employer Name/Address /				Business Phone [REDACTED]	
Name Type Involved, Other	Seq. # 11	Name (Last, First, M) MADRIL, GEORGE C	Race H	Sex M	DOB [REDACTED]
Address [REDACTED]				Home Phone [REDACTED]	
Employer Name/Address /				Business Phone [REDACTED]	

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Incident/Investigation Report

Agency: TPD

Case Number: 2110090181

Date: 10/13/2021 17:57:12

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Agency: TPD

Case Number: 2110090181

Date: 10/13/2021 17:57:12

Supplement Notes

BWC Utilized, muted at times to speak with officers.

On 10/09/2021, Ofc. Krause #103277 and I were working as a two-man patrol unit when we responded to the Denny's located at 555 N Freeway reference a 10-99/Officer needs assistance.

Upon arrival, several officers were already on scene rendering aid to one subject on the ground in front of the Days Inn next to the Denny's. I spoke with Robert Thompson who appeared to be filming officers and standing near the incident location. Robert stated he did not witness or hear any shots and only began filming after officers arrived on scene. Robert showed me his video recordings and they did not appear to be of any evidentiary value.

I spoke with George Madril who advised he was standing in front of the Chevron located at 880 W St. Mary's. George stated he only heard 7-10 shots being fired and after the 3rd shot he heard a "whizz. " Several seconds after the shooting, his friend comes around the corner and states the following "they hit Dakota."

I provided George's statement to Ofc. Lushbaugh.

I stoodby with George until relieved by Ofc. Federico #103073.

No further information.

Jimenez, A. 103820

OFFICIAL REPORT**Incident/Investigation Report**

Agency: TPD

Case Number: 2110090181

Date: 10/12/2021 11:04:03

Supplement Information

Supplement Date 10/12/2021 10:38:01	Supplement Type CRIME SCENE UNIT SUPPLEMENT	Supplement Officer (104552) VERNA, ROSE
Contact Name		Supervising Officer (35463) LORENZ, CRAIG K

OFFICIAL REPORT



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Agency: TPD

Case Number: 2110090181

Date: 10/12/2021 11:04:03

Supplement Notes

Location: 2825 E. District St. (Office of the Medical Examiner [OME])

Date: 10/12/21

Arrival Time: 0825 hours

Clear Time: 1000 hours

Images: 78

Investigating Officer: Detective R. Vazquez (#44603), Pima County Office of the Medical Examiner Doctor B. Parks (#7)

On October 12, 2021, I responded to OME to photograph the decedent Edward Colteaux reference an officer-involved shooting. Upon arrival, I contacted Det. Vazquez and Dr. Parks. Dr. Parks conducted the post-mortem examination.

I photographed the OME case identifier card, the body bag seal, the name written on the body bag, and the x-rays of the decedent. I then photographed the decedent to include:

- Full body overalls.
- An ID image.
- The hand bag seals and both sides of each hand once unwrapped.
- General and scaled images of injuries.
- Projectiles found in place.
- Scaled images of the projectiles.
- Areas of interest inside the abdominal cavity as pointed out by Dr. Parks.

DISPOSITION OF EVIDENCE

I uploaded all images I took to the Axon Evidence digital database. This concluded my involvement at that time. Please see other reports for case details. Nothing further.

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Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 04:21:41

Supplement Information

Supplement Date 10/10/2021 02:18:08	Supplement Type ADDITIONAL DETAILS	Supplement Officer (103069) MCLAUGHLIN, MELODY
Contact Name		Supervising Officer (51935) SANTA MARIA, FRANCISCO ANTONIO

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Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 04:21:41

Supplement Notes

BWC USED and MUTED when not in contact with the public

On 10/09/2021 I was dispatched to 555 N. Freeway (Denny's) reference an officer needing emergency assistance.

Upon arrival, I observed multiple officers on scene with the Tucson Fire Department.

I was tasked with securing the scene with crime scene tape.

I then stood by with witness Francisco Baltazar while Homicide Detectives arrive to the incident location.

I then provided scene security while Homicide Detectives completed an investigation.

This concludes my involvement.

McLaughlin 103069.

OFFICIAL REPORT**Incident/Investigation Report**

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 06:00:49

Supplement Information

Supplement Date	Supplement Type	Supplement Officer
10/09/2021 22:36:15	ADDITIONAL DETAILS	(102420) MARQUEDANT, BENJAMIN
Contact Name		Supervising Officer
		(49045) ASHTON, TYLER

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Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 06:00:49

Supplement Notes

****BWC activated/muted per policy****

On 10/09/21, I responded to 555 N Freeway reference this event. Upon arrival I was tasked with walking through the Days Inn to locate any possible witnesses.

I walked through the hotel and contacted Gabriela Torres, Celina Torres, and Chanra Vanleuven outside of room #210. They advised me that they had heard multiple gun shots while in their room but did not see anything before the shots were fired.

I advised Officer Lushbaugh of auditory witnesses in #210 and provided him with their information.

I was relieved and advised to clear the scene.

This concludes my involvement in this incident.

NFI

Marquedant #102420

ODM Squad 5

OFFICIAL REPORT**Incident/Investigation Report**

Agency: TPD

Case Number: 2110090181

Date: 10/11/2021 14:54:02

Supplement Information

Supplement Date	Supplement Type	Supplement Officer
10/10/2021 03:38:43	ADDITIONAL DETAILS	(102555) KELLEY, CAITLYN
Contact Name		Supervising Officer
		(101843) ROBERTS, DANIEL

OFFICIAL REPORT



Incident/Investigation Report

Agency: TPD

Case Number: 2110090181

Date: 10/11/2021 14:54:02

Supplement Notes

BWC

On 10/09/21 I responded to [REDACTED] (Days Inn) reference a Border Patrol officer in need of immediate assistance. My emergency equipment was activated.

Upon arrival I was instructed to look for security footage but when I walked into the Days Inn to ask about surveillance, Officer Covarubias advised me she needed me to stand by with her witness while she briefed case officer about what occurred.

I stood by with witness, Laurel Pavlik, for the remainder of my involvement in the investigation. She did not give me other further details about what occurred. I stood by until detectives spoke with her and was then cleared from the scene.

This concludes my involvement.

Kelley 102555

ODW/Squad 9

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Agency: TPD

Case Number: 2110090181

Date: 10/11/2021 14:56:08

Supplement Information

Supplement Date	Supplement Type	Supplement Officer
10/10/2021 02:45:38	ADDITIONAL DETAILS	(103495) WILDE, SARA
Contact Name	Supervising Officer	
	(101843) ROBERTS, DANIEL	

Witnesses

Seq. #	Name (Last, First, M)	Race	Sex	DOB	Age
8	RODGERS, EMILY	W	F	[REDACTED]	19
Address				Home Phone	
[REDACTED]				[REDACTED]	
Employer Name/Address				Business Phone	
[REDACTED]				[REDACTED]	
Witness Type					
[REDACTED]					

Witness Notes

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Agency: TPD

Case Number: 2110090181

Date: 10/11/2021 14:56:08

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Agency: TPD

Case Number: 2110090181

Date: 10/11/2021 14:56:08

Supplement Notes

BWC Worn. Muted when speaking with officers.

On 10/9/21 I responded to [REDACTED] regarding a 10-99 officer needing immediate assistance.

Upon arrival I interviewed a witness and one of the 911 callers Emily Rodgers. Emily stated she was leaving Denny's with her fiancé James Holmes. As they were pulling out of the parking lot they saw a male yelling at a female, putting his finger into the female's face (the male was later identified as Edward Colteaux, the female was later identified as Laurel Pavlik). Emily stated she observed Laurel backing up to get away from Edward. Emily said she thought Laurel got hit in either the neck or shoulder, due to the way Laurel's head jerked back. When she said that the female was hit James stopped the car. James then got out of the vehicle and drew his duty weapon, which he carries on him, pointed it at Edward, and told Emily to call 911. Emily was sitting in the passenger's seat, and could not see what was occurring with Edward and Laurel due to the vehicle being between her and what was occurring. Emily stated she then heard James fire several rounds at Edward. Emily first said it was 10 rounds, then stated it was 6. James did not do anything after firing his weapon, and waited for police to arrive on scene. When I asked if she saw Edward with any weapons in his hands or on his person she stated no.

I remained with Emily until detectives interviewed her.

NFI Wilde 103495

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Agency: TPD

Case Number: 2110090181

Date: 11/3/2021 10:02:06

Supplement Information

Supplement Date	Supplement Type	Supplement Officer
11/02/2021 12:48:38	ISSUING SUPPLEMENT	(44603) VAZQUEZ, RAMON L
Contact Name		Supervising Officer
		(41537) HAYNES, SCOTT

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Agency: TPD

Case Number: 2110090181

Date: 11/3/2021 10:02:06

Supplement Notes

2110090181

Detective Vazquez #44603

On November 1st, 2021, this case was presented to Deputy County Attorney Dan South of the Pima County Attorney's Office. NFI.

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Agency: TPD

Case Number: 2110090181

Date: 10/26/2021 17:12:11

Supplement Information

Supplement Date 10/23/2021 14:59:05	Supplement Type ADDITIONAL DETAILS	Supplement Officer (44603) VAZQUEZ, RAMON L
Contact Name	Supervising Officer (41537) HAYNES, SCOTT	

Victim(s)

Seq. # 1	Name Type INDIVIDUAL	Injuries None	AZ Resident (R, N or U) Unknown		Ethnicity Unknown	
Name (Last, First, M) PAVLIK, LAUREL L			Race W	Sex F	DOB [REDACTED]	Age 55
Address [REDACTED]					Home Phone [REDACTED]	
Employer Name/Address [REDACTED]					Business Phone [REDACTED]	
Victim of Crimes 1		Email Address			Cell Phone [REDACTED]	

☐ TTY Required☐ I WAIVE 'upon request' rights in this case☐ I CHOOSE 'upon request' rights in this case☐ REQUEST/Waiver exception per A.R.S. 13-4405(B) and Section 8-386(B)

Lawful Representative (If Applicable):

Relationship to Victim:

Phone Number (If Different From Victim):

Address (If Different from Victim):

OFFICIAL REPORT**Incident/Investigation Report**

Agency: TPD

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Date: 10/26/2021 17:12:11

Witnesses

Seq. #	Name (Last, First, M)	Race	Sex	DOB	Age
13	KUSEK, JASON D	W	M	[REDACTED]	41
Address				Home Phone	
[REDACTED]				[REDACTED]	
Employer Name/Address				Business Phone	
BORDER PATROL [REDACTED]				[REDACTED]	
Witness Type					

Witness Notes

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Supplement Notes

TPD Case Number: 2110090181

Detective Vazquez #44603

Time Occurred: 2148

Time Created: 2148

Time Dispatched: 2149

Time on Scene: 2149

Incident location: Days Inn: [REDACTED]

Sergeant(s):

Sergeant Haynes #41537

Detective(s):

Detective Vazquez #44603

Detective Robinson #43002

Detective Orozco #44602

Detective Check #41238

Detective Lockwood #48373

Detective Pena #54035

Detective Foster #50738

Officer(s):

(101163) ANDERSON, ANDREW

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(102420) MARQUEDANT, BENJAMIN
(103074) VALENZUELA, VICENTE
(104195) JOHN, JEREMY
(103049) TAYLOR, JOHN
(103052) SCORDATO, DAVID
(52901) PENA, ANTONIO
(104196) SISSICK, CARL
(45470) STONEHAM, MICHAEL J
(51612) COVARRUBIAS, ASHLEY S
(51935) SANTA MARIA, FRANCISCO ANTONIO
(103069) MCLAUGHLIN, MELODY
(103804) BAKER, CASEY
(103495) WILDE, SARA
(101856) BARTON, JASON
(103295) CORRIGAN, SHAWN
(103503) GUNN, JACOB
(103216) MYERS, KYLIA
(102555) KELLEY, CAITLYN
(102570) WILSON, TRAVIS
(102435) HANCOCK, TYLER
(104046) REEVES, JEFFREY
(103820) JIMENEZ, ALAN
(104552) VERNA, ROSE
(48438) AGAN, STEVEN EDWARD

Suspect:

JAMES ALLEN HOLMES [REDACTED] (United States Border Patrol Agent)

Victim:

EDWARD COLLIN COLTEAUX [REDACTED] (Deceased)

General Delivery

Tucson, AZ

Additional Victim:

LAUREL LEE PAVLIK [REDACTED]

Tucson, AZ

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Witness(es):

HOGAN, KIMBERLY
 HENHOEFFER, CAITLIN
 HOGAN, JOHN
 ESCALANTE, IVANA ROSE
 PALMER, CLINT
 SANDERSON, MARK
 BALTAZAR, FRANCISCO
 RODGERS, EMILY
 HOLMES, ILIANA MACIEL
 CLARKSON, FRANCISCO J
 ALVAREZ, JESUSITA F
 BEREITER, AMRI
 CORONADO, GEORGE
 KOSSMAN, ERIC
 BALTAZAR, FRANCISCO
 TORRES, GABRIELLE
 TORRES, CELINA
 VANLEUVEN, CHANDRA
 SANDERSON, MARK
 PARLMER, CLINT

Synopsis:

On 10/09/21, Tucson Police Department communications received a call from the United States Border Patrol requesting assistance for a shooting involving a Border Patrol Agent. Simultaneously, TPD Communications received a call from a female, later identified as Emily Rodgers, who is the fiancé to James Holmes, reporting a shooting. Emily stated that her fiancé fired his duty weapon however, it was later verified that the weapon that was fired was not his duty weapon but a personally owned weapon. As Emily is on the phone with 911 dispatch, it captures the audio as the shots are being fired. Upon the officer's arrival on scene, Officer A. Pena located a male, who was later identified as James Holmes who is an off-duty Border Patrol Agent, holding a weapon in one hand and a badge in the other hand. He was detained by officers and the weapon was secured.

Officers then located a male, later identified as Edward Colteaux, suffering from apparent gunshot trauma. Officers attended to Edward and provided medical intervention until the Tucson Fire Department responded and continued treatment. Edward succumbed to his injuries and was pronounced deceased at 2205 hours by Dr. Gaither.

It was learned that Edward Colteaux, Ivana Escalante, and two other unidentified males were loitering in the Days Inn which was reported to the front desk clerk, Laurel Pavlik, by a guest. Laurel Pavlik went to confront the four subjects and advised them to leave the property. The subjects complied and began to walk away on the west side of the complex and then north. The two unidentified males from the group continued to walk out of the lot north bound. Edward and Ivana initially began to leave north bound but then headed back southbound in the lot.

Once Laurel, Edward, and the female arrived at the front office, It was reported that Edward became belligerent toward the clerk and began to tell her that he was going to kill her and got within 1 foot in front of her pointing his finger in her face. The clerk was backing up at which point,

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Edward picked up what was described as a golf ball size rock and began to pull back his arm as if he was about to throw the rock at the clerk.

James Holmes was pulling out of the Denny's parking lot when his fianc advised him that she believed that she observed the male (Edward Colteaux) hit the clerk. James stopped his vehicle and confronted Edward at gunpoint and told him to stop (this was according to witness statements). James fianc, Emily, called 911 during this time. You can hear what sounds to be a male say, "Don't." before the shots are being fired on the 911 call from Emily.

According to witness statements, multiple shots were heard and the victim was struck.

At the scene, a total of 7 casings were recovered along with a magazine with approximately 5 live rounds. James weapon was recovered along with an additional weapon that was located in the center console of the vehicle.

James Holmes invoked and did not wish to provide a statement. He was released to USBP representatives without further questioning and was provided my contact information along with Detective Robinson

Narrative:

At the conclusion of the briefing Sergeant Haynes #41537 assigned me as the primary investigator. Detective Robinson #43002 was assigned to be the secondary investigator. Detectives Lockwood #48373 and Cheek #41238 were assigned to process the scene. The additional assigned detectives were assigned to conduct interviews and assist where necessary.

I conducted a walk-through of the scene and observed a silver Rav4 was parked in the driveway facing east at the exit on N. Freeway which was identified to belonging to James Holmes. The front and rear drivers side doors were open to the vehicle. A number of spent cartridge casings were on the ground to the north of the Rav4, in addition to a magazine with ammunition.

Edward was lying on the ground approximately 20 yards to the west. Medical supplies were on the ground around Edward in addition to a backpack, just west of him. I observed that a red Mazda CX-9 (AZ license plate #: PAA7B3A) had bullet strikes into the passenger rear quarter panel and a white Toyota Camry (AZ license plate #: BYX1291) also had a bullet strike to it. There was a projectile on the ground under the Mazda and an additional one to the southeast.

In the area where Edward Colteaux was located, there were no visible gravel or rocks in the area around his body or in his hand. He was lying next to a gravel planter area that contained trees, approximately 1/2 inch gravel, and large river boulders that would be too heavy to lift. Additionally, by this area, there was a golf ball size rock in the area that Laurel later describes Edward standing next to (FARO Scan Location B).

I then conducted recorded statements with the following:

Laurel Lee Pavlik

Emily Suzanne Rodgers

I first conducted a recorded interview with Laurel Lee Pavlik. Laurel identified herself as the assistant manager at the Days Inn located at [REDACTED]. Laurel stated that her schedule fluctuates however, on the day of the incident, her hours of employment were from 1500-2300 hours. The interview was recorded so please refer to audio for specific statements. Listed below are the paraphrased highlights.

LAUREL LEE PAVLIK:

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- Laurel was not injured and did not require any medical assistance
- Laurel was checking in guest and performing standard duties
- Was approached by a guest who advised her that there were transients hanging out in the middle breezeway and believed they were possibly consuming drugs by their behavior
- This occurred at approximately 2130 to 2135 hours
- The guest identified the transients as being 3 males and 1 female
- Laurel went to advise the trespassers to leave
- Upon making contact, the trespassers complied and began to gather their belongings and walk away
- Two of the males left northbound out of the property
- The other male (Edward Colteaux) and female (Ivanna Escalante) began walking northbound and then came back southbound along the east side of the building
- Laurel told them again that they needed to leave the property
- Stayed behind them about 8 feet
- As they approached the area by the front office, Laurel stated that the male told her, You're not going to kick me off my own fucking property bitch. I own this property bitch. You're not going to kick me off of here.
- Laurel told the male to keep moving.
- The male subject then told her, I'm going to kill you. You killed my husband and my children. You deserve to die. I'm going to kill you, I'm going to kill you, you Canadian cunt, you killed Chelsea, you deserve to die, I'm going to kill you.
- The male started walking toward her pointing his finger and reached within 1 foot of her face
- Laurel starts heading back toward the door (entrance to Days Inn)
- Laurel tells him to back away and stay away from her
- The male is telling Laurel that he has killed someone else, that he will kill her too and she deserves to die
- The male bent down to pick up rocks from the planter out front
- Laurel stated that she heard the guy (referring to James), say something like, Hey, hey, hey and that's when she heard the shots
- Stated that there was something in the male's hand possibly a flashlight that was beaming light
- Identified the rocks to be the size of gravel to golf ball size
- Did not see the shooter exit his vehicle
- Laurel was stated that her hands were hiding her face when she heard at least 5 shots but she did not see the shooter shoot
- The shots came after the male with the rocks was about to throw them at her
- Laurel stated that she then called 911
- Laurel described the trespassers in the following manner:
 - #1 Tall red hair, skinny, white male, 60/130 pounds, wears goatee at times but unsure if he had one on this night, baseball style cap white with red, unknown color t-shirt and either wearing shorts or pants
 - #2 Short Hispanic male, 55 to 56/150 lbs, wearing a tie die shirt, unknown color shorts and possibly wearing a baseball cap. Hispanic male was carrying a backpack
 - #3 Short Hispanic female, short black hair, medium color, 130/140 pounds, 504
 - #4 Edward Colteaux who she identified as being with the other subjects.
- The female with Edward did not say anything when the male (Edward) was coming after her
- Laurel does not recall seeing female that was with (Edward) before
- Laurel stated that she was in fear of her life when (Edward) got in her face and started coming at her
- Believed that she was going to get hit by the male (Edward)
- Stated that she was about 5 or 6 feet away from the planter by the front office
- No external cameras to the Days Inn. Three cameras located in the lobby

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-Laurel stated that she heard the shooter say, Hey, hey hey, don't do that.
 -Did not hear the shooter say anything about being the police
 -Laurel stated that she believed Edward was the same male who threw a trash can at her approximately two weeks prior. Believed it occurred on September 21st at about 730 am.
 -Security for the Days Inn was not present and does not report to the complex until after 11pm
 -Laurel confirmed that there are no exterior cameras that captured the incident. The only video surveillance is in the interior the hotel's lobby
 At the conclusion of the interview, Detective Robinson and I escorted Laurel throughout the complex to show where she confronted the trespassers within the property. Laurel showed us the location where she first encountered the trespassers and then walked us to the point just prior to the shooting. Laurel then showed Detective Robinson her position in relation to Edward Colteaux.

At the conclusion of the interview with Laurel, I then conducted an interview with Emily Rodgers. The interview was recorded so please refer to audio for specific statements. Listed below are the paraphrased highlights.

EMILY SUZANNE RODGERS:

-Emily identified herself as the fianc to James Holmes and they currently reside together
 -Has been together with James since June 1st, 2021
 -Was celebrating her birthday with James and his mother at the Denny's located at [REDACTED]
 -James had just gotten off work prior to them arriving to the Denny's
 -Stated that James is assigned to the Tucson Sector Border Patrol
 -Believes that James arrived home at approximately 1900-2000 hours from Sasabe, AZ
 -Emily stated that she was with Iliana (James mother) who was seated in the rear driver's side seat, James was driving, and Emily was in the front passenger seat
 -Was in a 2020 Rav 4 registered to James
 -Parked the vehicle in the north side of Denny's
 -Sits in booth to eat with the family on the east side of the restaurant
 -Once they completed eating, they exit out the east door (facing frontage road)
 -Everyone enters the vehicle; James backs up to leave
 -Emily first notices a male speaking to a female she believes is the manager as she was walking to the vehicle
 -The male was wearing a striped Baja style sweater
 -James starts driving east and is almost parallel to the male and female
 -Emily tells James that the man is getting in her face (Approximated the distance to be about two feet)
 -It appeared weird to Emily because the male seemed angry and as the female would take a step back, the male kept getting closer to her before she believes that he hit her
 -Emily believes that the female was punched in the lower jaw, neck, or shoulder area
 -James starts to roll down his window
 -Iliana tells James to leave it leave it
 -James lets his foot off the brakes and continues east in the lot
 -Emily states that she is still looking and it appeared that the male hit the female from her angle
 -Emily tells James that the male is hitting the female
 -James slams on the brake and puts the car in park, unbuckle his seat belt and gets out
 -Sees James hands move to his hip where she knows his holster is at
 -James tells her to call 911
 -Emily says that when she calls 911 it rang for some time before it was answered (approximate the time to be about 10 seconds)
 -As the call to 911 is still ringing, she sees James pull his gun out of his holster

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- James weapon is pointed down and out of the holster
- Hears James yelling at the man to stop
- Emily said that was when the 911 operator picked up the phone
- Emily was trying to tell the operator where she was which was when she heard James firing his weapon
- Does not remember exactly how many rounds were fired but believes it was somewhere between 6 to 10 shots
- Tells the operator that James fired his duty weapon
- Was asked to describe what James was wearing
- Medical assistance requested but was unsure if she requested medical assistance or if it was the operator who asked her
- Iliana was saying something but does not know what was said because Iliana is primarily a Spanish speaker
- At one point, Emily exits the vehicle and hangs up with 911 as the police were arriving
- A male officer approached James and then approached Emily
- Emily was asked if she saw anything in Edwards hands and stated that she could not tell but describe his hands as being curved like if it was a fist but it was not a fist
- Emily clarified that she believed that Edward had on a backpack but was not certain
- After James shot, Emily said that a female that was with Edward ran over to him and was laying on top of him
- Emily said the female was in the area during the shooting but not in the immediate area
- Emily was asked if she believed the female to be in danger and she initially stated no and then stated but then clarified that she thought I was referring to the female that was with Edward. Emily then clarified that she did believe that the woman standing in front of Edward was in danger.
- She said the female did not look comfortable and told James that she did not feel comfortable leaving the lot if she was not okay
- Emily stated that James did not communicate with Edward after the shooting and remained with three or four paces within his vehicle
- After the shooting, James did not communicate anything to Emily that she could remember
- Described James as wearing a blue plaid long sleeve shirt, dark wash pants, and possibly wearing his black tennis shoes or if not then James was wearing his black boots, black belt
- Emily did not take any audio or video recordings of the incident
- Stated that James did not take audio or video recordings of the incident as his phone was on the gear shifter charging.
- After the shooting, James retrieved his phone and called his supervisor
- Believes that James told the supervisor where he was and that he possibly needed backup and that he had shot his duty weapon.
- Detective Robinson then asked some clarifying questions to Emily. She was asked if James asked the male to stop and clarified that she made the statement that James told the male to stop and she stated, Yes.
- Emily was then asked if she heard James identify himself as a Border Patrol Agent or an Officer. Emily stated that she could not remember and that it was hard for her to hear since James mother was yelling.
- Emily then stated that there was another weapon in the vehicle that belonged to James and believed it to be a 9mm, tan colored, with a plastic slide guard. Emily stated that it was taken by Tucson Police patrol officers.
- Emily stated that she does not believe James would have fired his weapon if did not have to
- Stated that James told the man to stop several times in a loud projected voice and the male did not stop
- This concluded Emilys statement

At the completion of the interview, I then responded back to the main station with Detective Robinson in an attempt to speak with James Holmes. When I arrived to the station, I was advised that James had invoked and did not wish to provide a statement at this time. Border Patrol representatives were with James and he was released after being provided my contact information.

After James was released, I attempted to locate next of kin notification for Edward Colteaux. With the assistance of Tucson Police Department Crime Analyst Ramirez #39651, it was learned that Edwards mother was Karla Coteaux. The address was listed in Phoenix, Az and an associated telephone number was provided. It should be noted that Crime Scene Specialist Fisher #104569 utilized a MorphoIdent handheld mobile

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identification device (MID) which returned with hit on Edward Colin Colteaux [REDACTED] State ARN:2616040431/RISC CRI:AZ0072300. Based on a that information and comparing photograph to victim it was possible to make identification.

I had the Tucson Police Department records section make contact with the Phoenix Police Department through secure teletype message to check the address for a death notification. The address check resulted in a negative find for next-of-kin. I then contacted Karla Colteaux by telephone who confirmed that she was the mother and that she was currently living in California. Notification was made to Karla about her sons death and she provided updated contact information.

I was later contacted by Edward Colteaux Sr, who also lives in California, at which time he advised me that he was notified of Edwards passing. Edward Sr. and Karla are no longer married and live separately.

On 10/12/21, an autopsy was scheduled for Edward Colteaux in which I attended at the Pima County Office of Medical Examiner. Doctor Bruce Parks was the pathologist who conducted the autopsy. Tucson Police Department Crime Scene Specialist Verna #104552 was also present to conduct photographic duties. Detective Mendoza #100622 was present to observe the autopsy as part of detective field training.

The autopsy was performed by Dr. Bruce Parks at OME on 1012/21. Although the autopsy report is not finalized and is still pending, I was advised that the decedent appeared to have been struck three times, with two of the projectiles being recovered and one projectile appearing to have entering and exiting the decedent. One projectile entered the right upper shoulder exiting out the right arm, the second projectile entered the lower back with that projectile lodging inside of the body cavity, and the last projectile entered the left side of the back towards mid-flank with that projectile lodging in the body cavity as well.

I was then provided the following items recovered from the decedent during autopsy. These items were transported to Tucson Police Department evidence and secured into secure evidence storage.

OME1: 1 blue underwear, two white socks
 OME2: Nail scrapings and hand swabs
 OME3: Paper bag used to cover decedents hand
 OME4: Recovered projectile from abdomen
 OME5: Recovered projectile from chest
 OME6: DNA Patch
 OME7: Penis Ring

The Tucson Police Department Crime Scene Unit conducted a FARO scan of the incident location. The FARO scan was compressed and uploaded to evidence.com. Based on the placement of markers to located items and the statements from Laurel Pavlik, I was able to get distances to relevant locations. It should be noted that these distances are approximate.

Distance A is the approximated distance from where Edward Colteaux and Laurel Pavlik were standing initially when the encounter started. This distance was measured to be 1.409 meters or 4.6 feet.

Distance B is the approximated distance from where Edward Colteaux grabbed the rocks to where Laurel Pavlik was standing. This distance was measured to be 5.010 meters or 16.43 feet.

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Distance C is the approximated distance from where James Holmes was standing to where Edward Colteaux was located. This distance was measured to be 19.674 meters or 64.54 feet.

Distance D is the approximated distance from where James Holmes was standing to where Laurel Pavlik was standing. This distance was measured to be 14.674 meters or 48.14 feet.

On 10/13/21, I reached out to Agent Karla Barrow with the US Border Patrol Office of Professional Responsibilities to request the following information:

1. Do you know the name of the supervisor (with contact information) that was contacted by James Holmes and if he is willing to provide a statement?
2. Is there any audio transmissions that are recorded in reference to this incident that could be made available to me?

On October 14th, 2021, I received communications from the Law Office of Hernandez and Hamilton, PC stating that their law office is representing James Holmes and that he would not be providing a statement at this time.

On October 21st, 2021, I received a National Integrated Ballistic Information Network (NIBIN Lead TPD 21-237) notification indicating that a preliminary association determined that the fired cartridge in this case was fired in the same known firearm. The submitted firearm was a Heckler & Koch P2000 serial number 123-091842DE (40 S&W).

As of October 25th, 2021, I had not received a response from OPR and a follow-up email was sent. I did receive a response stating that my request has been forwarded to USBP management. I was later contacted by Border Patrol Supervisor Roberto Teran, who stated that James Holmes had contacted Jason Kusek who is the Acting Supervisory Border Patrol Agent. An interview with Agent Kusek is pending. Additionally, I requested audio communications from Border Patrol and was advised by Agent Teran that calls are not recorded which come through the main line. According to Agent Teran, Border Patrol did not reach out to Tucson Police Department dispatch.

On October 25th, 2021, I received a letter and photographs from Edward Colteaux Sr., who stated that he wanted a family letter included in the case along with photographs. The letter and photographs were uploaded into evidence.com.

On October 26th, 2021, I was contacted by Border Patrol Agent Jason Kusek #T240. I then conducted a recorded telephonic interview with BPA Kusek. Please refer to audio for specific statements. Listed below are the paraphrased highlights.

JASON KUSEK #T240

US Border Patrol

- During the incident date and time, BPA Kusek was the Duty Supervisor
- Does not recall the exact time that the call came in
- Heard a dispatcher talking about a shooting which caught his attention
- Took the phone from the dispatcher and attempted to identify the Agent involved
- BPA Kusek stated there were a couple of Agents with the last name Holmes so he wanted to be sure who he was speaking with
- Attempted to get information from Agent Holmes as far as any injuries and did he require any medical assistance or other type of assistance
- BPA Holmes advised that his fiancé called 911
- Recalls that BPA Holmes told him that there was an altercation between a male and a female and that the male picked up a rock and was going to

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assault the female

-Shortly thereafter, BPA Kusek hears the sound of police sirens arriving onscene

-BPA Kusek said that he confirmed with BPA Holmes that his duty weapon was not used.

-USBP agents are currently issued Glock 47 9mm firearms

-BPA Holmes used an H&K P2000 .40 caliber

-Does not beleive that recordings exist of the phone call as it is not recorded.

-Unknown if there are any radio transmissions.

[illegible]

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Agency: TPD

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Date: 10/13/2021 23:10:03

Supplement Information

Supplement Date	Supplement Type	Supplement Officer
10/13/2021 19:51:46	ADDITIONAL DETAILS	(51915) LUSHBAUGH, JOHN
Contact Name		Supervising Officer
		(53341) HUSSMAN, DARRELL JOSEPH

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Date: 10/13/2021 23:10:03

Supplement Notes

I responded to the Day's Inn at [REDACTED] to assist with a shooting. Upon my arrival the scene was secure with the shooter detained and the victim being treated by the Tucson Fire Department. I spoke with Sgt. Hussman (53341) who had taken incident command of the scene. He asked me to find out who and where the involved people and witnesses were.

I spoke with officers around the scene and compiled a list of those involved in the incident. I then assisted in preparing and presenting a briefing for the detectives.

Lushbaugh 51915 2110090181

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Agency: TPD

Case Number: 2110090181

Date: 10/14/2021 00:38:07

Supplement Information

Supplement Date	Supplement Type	Supplement Officer
10/13/2021 22:54:25	ADDITIONAL DETAILS	(103277) KRAUSE, JOSHUA
Contact Name		Supervising Officer
		(53341) HUSSMAN, DARRELL JOSEPH

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Agency: TPD

Case Number: 2110090181

Date: 10/14/2021 00:38:07

Supplement Notes

BWC was utilized and muted when appropriate to speak with other officers.

On 10/9/2021 I responded to a 10-99, officer needs immediate emergency assistance, at the Days Inn [REDACTED] in reference to a Border Patrol Agent that was involved in a shooting. I arrived on scene after the Border Patrol Agent was contacted and the individual shot was being attended to by other officers. I made contact with a male standing by who advised he witnessed the shooting. He identified himself to me verbally as Manuel Dorame.

Manuel stated he was standing on the West side of the Denny's at [REDACTED] when he turned to see the Silver SUV parked where it was when police arrived. The male who was shot was also in view. Manuel observed the driver of the SUV get out of his vehicle, extend his arm with the pistol and shoot 10 times at the "homeless" male. Manuel stated the male who shot was the male officers made contact with at the time of arrival.

Ofc Montoya arrived on scene and stood by with Manuel while I went to check the vehicles in the parking lot and the hotel rooms for bullet strikes to ensure there were no other gunshot victims. I located no other victims. I observed a white Toyota Camry AZ plate#BYX1291 with damage on the top of the trunk which appeared to be from one of the bullets. Directly West of the Toyota was a red Mazda SUV AZ plate#PAA7B3A with two bullet strikes on the passenger side pillar at the rear of the vehicle. Looking through the glass it appeared there were no exit holes on the interior of the vehicle.

I took field photographs of the strikes and uploaded them into evidence via AXON Capture.

I relieved two Officers who were from another division. They provided me with contact info for 3 audible witnesses who were in Room#202 to provide to the investigating officer. I collected the contact info for John Hogan, Caitlin Henhoeffter and Kimberly Hogan.

I provided all the information I collected to Ofc Anderson.

This concludes my involvement in this investigation.

Krause 103277

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Date: 10/14/2021 00:38:07

District Sq3

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Agency: TPD

Case Number: 2110090181

Date: 10/11/2021 21:21:05

Supplement Information

Supplement Date 10/11/2021 03:01:30	Supplement Type ADDITIONAL DETAILS	Supplement Officer (104046) REEVES, JEFFREY
Contact Name		Supervising Officer (45470) STONEHAM, MICHAEL J

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Agency: TPD

Case Number: 2110090181

Date: 10/11/2021 21:21:05

Supplement Notes

On 10/09/2021, I was in full uniform in a marked patrol vehicle working in a patrol capacity as a two-man unit with Officer Federico when we were dispatched to 555 N Freeway in reference to an officer needs immediate assistance call.

Upon arrival, I was directed to hold scene security. While on scene security I was directed to stand by with several witnesses. I stood by with them until relieved. No details of the incident were discussed.

This concludes my involvement in this incident. NFI

J Reeves #104046

ODW District

BWC

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Agency: TPD

Case Number: 2110090181

Date: 10/11/2021 22:19:02

Supplement Information

Supplement Date	Supplement Type	Supplement Officer
10/09/2021 23:39:52	ADDITIONAL DETAILS	(104196) SISSICK, CARL
Contact Name		Supervising Officer
		(102223) LAMEY, KHOLE

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Agency: TPD

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Date: 10/11/2021 22:19:03

Supplement Notes

****BWC was utilized during this incident and muted at times to speak with Officers****

****I responded to the listed call in full uniform in a marked patrol vehicle****

On 10/9/2021 I responded to [REDACTED] (Denny's) in regards to a shooting.

As I arrived on scene there were already multiple officers at this location. I used crime scene tape and secured the scene.

Once the scene was secured I provided scene security until I was cleared from the incident by LPO Santa Maria (51935).

While on scene, I did not speak with any witnesses in regards to the incident.

NFI

Sissick/104196/SQ5

OFFICIAL REPORT**Incident/Investigation Report**

Agency: TPD

Case Number: 2110090181

Date: 10/20/2021 12:28:03

Supplement Information

Supplement Date	Supplement Type	Supplement Officer
10/09/2021 22:54:33	ADDITIONAL DETAILS	(103052) SCORDATO, DAVID
Contact Name		Supervising Officer
		(102223) LAMEY, KHOLE

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Agency: TPD

Case Number: 2110090181

Date: 10/20/2021 12:28:03

Supplement Notes

BWC utilized

On 10/09/2021 I was on patrol in a marked vehicle when I responded to a call for service at [REDACTED] at Denny's reference a shooting.

Call text stated that a border patrol agent discharged his firearm striking a subject. I responded with emergency equipment activated.

I arrived on scene and observed a subject with multiple bullet wounds laying by the curb in the parking lot on the North side of the Denny's. I utilized an IFAK belonging to Ofc Anderson #101163 to render first aid to the subject. I observed the subject had a bullet wound to his lower back and upper right side near his back. There was also an internal injury to the subject's abdomen. I utilized gauze to wound pack the wound on his upper right side. I also observed a wound to his right shoulder.

TFD Paramedics arrived on scene and took over providing the subject with medical aid.

I then provided scene security.

This concludes my involvement in this case.

NFI

Scordato

103052

OFFICIAL REPORT**Incident/Investigation Report**

Agency: TPD

Case Number: 2110090181

Date: 10/12/2021 16:34:06

Supplement Information

Supplement Date	Supplement Type	Supplement Officer
10/10/2021 06:43:13	ADDITIONAL DETAILS	(102435) HANCOCK, TYLER
Contact Name		Supervising Officer
		(53668) TEQUIDA, JORGE

Witnesses

Seq. # 9	Name (Last, First, M) CLARKSON, FRANCISCO J	Race H	Sex M	DOB [REDACTED]	Age 27
Address [REDACTED]				Home Phone [REDACTED]	
Employer Name/Address /				Business Phone [REDACTED]	
Witness Type [REDACTED]					

Witness Notes

Seq. # 10	Name (Last, First, M) ALVAREZ, JESUSITA F	Race H	Sex F	DOB [REDACTED]	Age 58
Address [REDACTED]				Home Phone [REDACTED]	
Employer Name/Address [REDACTED]				Business Phone [REDACTED]	
Witness Type [REDACTED]					

Witness Notes

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Date: 10/12/2021 16:34:06

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Date: 10/12/2021 16:34:06

Supplement Notes

BWC active. Portions muted while speaking with officers.

On 10/09/2021 officers responded to [REDACTED] after a reported shooting involving a border patrol agent. On my arrival I made contact with a vehicle with three adults and a child leaving the parking lot of Denny's. All of the subjects in the vehicle stated they did not see the shooting and only heard it. I spoke with the driver, Francisco Clarkson and the rear passenger Jescita Alvarez. Francisco stated he had heard four to five shots but had originally thought it was someone tapping on glass. Jescita stated she heard 5 gun shots. Ofc. Federico interviewed the front seat passenger.

After the vehicle left, I assisted in securing the scene and eventually compiled a list of officers that had responded to the scene and entered the crime scene area. I provided the list to Ofc. Santa Maria before leaving the scene.

NFI.

Hancock 102435

ODW Squad 09

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Date: 10/14/2021 23:32:04

Supplement Information

Supplement Date 10/14/2021 21:57:00	Supplement Type ADDITIONAL DETAILS	Supplement Officer (103280) LOPEZ, FRANCISCO
Contact Name		Supervising Officer (53341) HUSSMAN, DARRELL JOSEPH

Witnesses

Seq. #	Name (Last, First, M)	Race	Sex	DOB	Age
12	HOLMES, ILIANA MACIEL	H	F	[REDACTED]	51
Address				Home Phone	
[REDACTED]				[REDACTED]	
Employer Name/Address				Business Phone	
[REDACTED]				[REDACTED]	
Witness Type					
[REDACTED]					

Witness Notes

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Agency: TPD

Case Number: 2110090181

Date: 10/14/2021 23:32:04

Supplement Notes

Created 21:48:17 10/09/21

Dispatched 21:49:25 10/09/21

BWC available- May have been muted while talking with other officers

On 10/09/2021 at approximately 21:49 hours, I responded to [REDACTED] (Denny's) to assist Officers reference an Officer in need of urgent assistance.

Upon my arrival, I assisted in making contact with a witness on scene who verbally identified herself to me as Amri Bereiter. Amri stated she was seating on a table near a window on the east side of the restaurant when the incident took place. Amri stated she witnessed a male subject standing next to a gray SUV that was parked in the area between the Denny's and the Days Inn located at [REDACTED]. Amri stated she then witnessed the male subject fire his handgun once towards the alley between the two businesses. Amri stated she did not witness who the male subject shot and/or if he had shot anyone. Amri was unable to provide further on the incident as she claimed the information above concluded what she had witnessed. Amri described the male subject as a White male in his mid-30's wearing a gray pull over, light denim jeans, and a dark ball cap. Amri described the pistol as a black handgun. Amri agreed to speak to detectives.

I then made contact with Iliana Holmes who was seating in the driver rear seat of a gray Toyota SUV on scene. My interaction with Iliana was conducted in Spanish per her request. Iliana requested to be medically evaluated by TFD as she suffered from having low blood pressure. TFD who was already on scene and conducted a medical evaluation on Iliana. TFD informed me that Iliana had refused to be transported to the hospital.

Iliana stated the driver of the vehicle was her son, James Holmes, and the passenger, Emily Rogers, was her daughter in law. Iliana stated that while having dinner at Denny's, Emily stood up to use the restroom and after some time she began worrying as Emily did not returned to the table. Iliana stated she then heard a verbal argument taking place in the restroom where the restaurant manager went over and asked a female subject to leave. Iliana stated Emily could not exit the restroom as the female subject was blocking the door. Iliana stated Emily then returned to the table where they finished having dinner.

Iliana stated while driving off the property through an exit between the Denny's and the Days Inn, Emily made her and James aware a verbal argument that was taking place near the Days Inn where the same female in the restaurant was being confronted by a male subject on the road. Iliana stated she then looked in that direction where she observed a male subject being extremely aggressive and confrontational towards the female. Iliana stated James then stopped the vehicle, exited, stood by the driver side door, and addressed the male subject by telling him to stop

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doing whatever he was doing. Iliana stated she lost visual of the subjects as James had driven forward before stopping the vehicle. Iliana stated she then observed James holding his batch above his head while verbally addressing the subject. Iliana stated James then produced a handgun and fired it in the direction of the subject. Iliana stated she was unaware of how many shots were fired as she immediately covered her ears and closed her eyes. Iliana stated she was also unaware who James had shot and/or if he had shot anyone, but believed he had shot the male subject. Iliana agreed to speak to detectives.

I then stood by Iliana until Detectives arrived on scene and spoke to Iliana.

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Case Number: 2110090181

Date: 10/11/2021 22:43:10

Supplement Information

Supplement Date	Supplement Type	Supplement Officer
10/09/2021 22:58:54	ADDITIONAL DETAILS	(52901) PENA, ANTONIO
Contact Name		Supervising Officer
		(102223) LAMEY, KHOLE

Other Persons Involved

Name Type Involved, Other	Seq. # 2	Name (Last, First, M) KOSSMANN, ERIC GLENN	Race W	Sex M	DOB [REDACTED]
Address [REDACTED]			Home Phone [REDACTED]		
Employer Name/Address [REDACTED]			Business Phone [REDACTED]		
Name Type Involved, Other	Seq. # 3	Name (Last, First, M) KOSSMANN, REBECCA DIANE	Race W	Sex F	DOB [REDACTED]
Address [REDACTED]			Home Phone [REDACTED]		
Employer Name/Address [REDACTED]			Business Phone [REDACTED]		

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OFFICIAL REPORT**Incident/Investigation Report**

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Date: 10/11/2021 22:43:10

Supplement Notes

On 10/09/2021 at around 2149 hours I responded to [REDACTED] in reference to an officer needs immediate assistance. I assisted Ofc Anderson (101163) on the call. While on my way to the listed location, the dispatch operator advised that a Border Patrol agent just shot a male in the stomach. I drove south bound on I-10 frontage, from Speedway Blvd. As I approached the eastern entrance to the Denny's [REDACTED] I observed a small SUV parked facing eastbound on the entrance. A male was standing outside the driver side door while a female was standing just outside the front passenger door. I parked my marked patrol vehicle near the SUV and exited. The male held up a badge and was facing toward the north parking lot of Denny's. The male identified himself as an off duty Border Patrol agent and turned around to face me. The BP agent continued to hold his badge up and I observed he had his handgun point down at the ground, by his waist. The female in the front was crying. I asked if he was hurt. The BP agent told me he was not hurt, but he shot the male for throwing rocks at a lady.

Ofc Barton (101856) was standing next to me during this time. I scanned the parking lot and observed a male lying on his side and a handgun magazine near the rear of the BP agent's SUV. A Native American female was on top of the downed male screaming. I again asked the BP agent if he was hurt and he told me no. During my contact with the agent I did not detect any strong odors of intoxicants or signs of impairment. I told Ofc Barton to stay with the agent while I went to render aid to the male. When I approached the body I observed a large amount of blood on his back. The female told me he was shot in the butt. She was holding a t shirt against his lower back. The t shirt was soaked with blood. I took over holding pressure on the wound and told her to back away. I asked if she knew the male's name. She told me she did not. I moved the shirt to look at the wound and I observed a gunshot wound to the middle of his lower back. Other officers began to arrive on scene. I advised responding officers to stay with the Native American female and a couple assisted me in first aid. While officers began to cut away clothing on the male, I began to "rake" him for additional injuries. I observed a couple of gunshot wounds near his right shoulder and a large bump on his sternum. Shortly after, TFD began to arrive. I advised them of the male's injuries and backed off.

I observed a couple sitting near the front of the office. I made contact with the couple and asked if they saw the incident. The male identified himself as Eric Kossmann and the female was identified to be Rebecca Kossmann. The two of them were from Phoenix and were visiting their child at U of A. Their vehicle was parked in the southern lot of the Days Inn, just north of Denny's. The two of them were inside when they heard "about 4 shots." After a brief moment they went outside and saw their vehicle (AZ plate# PAA7B3A) had two bullet strikes on the rear pillar. Their vehicle was a Red 2020 Mazda CX-9. Both Eric and Rebecca did not see the incident and only heard the shots.

I advised Ofc Anderson of their statement and was assigned to scene security to the north, in front of the office. While at that position I prevented foot traffic from entering the scene. Once detectives arrived I assisted with the incident briefing and Ofc Barton took over my position for scene security. Shortly after the briefing was completed I cleared from the area. This concluded my involvement with the incident.

OFFICIAL REPORT



Incident/Investigation Report

Agency: TPD

Case Number: 2110090181

Date: 10/11/2021 22:43:10

NFI

A Pena 52901

OFFICIAL REPORT**Incident/Investigation Report**

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 06:19:02

Supplement Information

Supplement Date	Supplement Type	Supplement Officer
10/10/2021 01:10:33	ADDITIONAL DETAILS	(51935) SANTA MARIA, FRANCISCO ANTONIO
Contact Name		Supervising Officer
		(51935) SANTA MARIA, FRANCISCO ANTONIO

OFFICIAL REPORT



Incident/Investigation Report

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 06:19:02

Supplement Notes

On 10/09/21 I responded to the Days Inn located at [REDACTED] reference a shooting. The details of the call stated a male had been shot and the shooter was an agent for the US Border Patrol. Upon arrival, I observed multiple officers rendering aid to male that was on the ground along the south side of the motel. I could see blood starting to pool around the male but could not see his injuries. I did not see any signs of life. Paramedics from TFD arrived and continued medical aid. Shortly after, the male was pronounced dead. I began directing arriving officers to secure witnesses and the crime scene. A perimeter was created with crime scene tape. An additional outer perimeter was later created with crime scene tape. I remained inside the perimeter as crime scene security. Later on, I was directed by Sergeant Hussman to secure the west side of the crime scene between the motel and the neighboring Denny's. I remained there until directed to leave by detectives. I did not take custody of any evidence.

NFI (757 no MVR, BWC recorded, portions muted/off)

Santa Maria #51935

OFFICIAL REPORT**Incident/Investigation Report**

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 06:44:03

Supplement Information

Supplement Date 10/10/2021 02:48:02	Supplement Type ADDITIONAL DETAILS	Supplement Officer (103295) CORRIGAN, SHAWN
Contact Name		Supervising Officer (51935) SANTA MARIA, FRANCISCO ANTONIO

OFFICIAL REPORT



Incident/Investigation Report

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 06:44:03

Supplement Notes

****BWC Used****

On 10/10/2021, I responded to [REDACTED] reference a Border Patrol Agent requesting immediate back up.

When I arrived on scene I assisted with scene security. I was then instructed to stand by with witness Iliana Holmes, mother of James Holmes their vehicle. I stood by with her until relieved by another officer. I attempted to get a statement from Iliana but there was a language barrier.

I spoke to Emily Rodgers fiancé to James Holmes. Emily told me there was another fire arm inside their vehicle. Emily said the gun was located in the center conceal. I opened the center conceal and removed the gun which was a Sig Sauer P365. There was a full magazine in the gun, but there was no round chambered. I removed the magazine and locked the slide to the rear and secured the gun in my patrol vehicle.

I moved to the west side of the crime scene for scene security.

This concluded my involvement in this incident.

Corrigan 103295

OFFICIAL REPORT**Incident/Investigation Report**

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 05:42:07

Supplement Information

Supplement Date	Supplement Type	Supplement Officer
10/10/2021 00:39:16	ADDITIONAL DETAILS	(51612) COVARRUBIAS, ASHLEY S
Contact Name	Supervising Officer	
	(40872) NAVARRO, RAUL MUNOZ	

Witnesses

Seq. #	Name (Last, First, M)	Race	Sex	DOB	Age
3	PAVLIK, LAUREL L	W	F	[REDACTED]	55
Address				Home Phone	
[REDACTED]				[REDACTED]	
Employer Name/Address				Business Phone	
[REDACTED]				[REDACTED]	
Witness Type					

Witness Notes

OFFICIAL REPORT



Incident/Investigation Report

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 05:42:07

OFFICIAL REPORT**Incident/Investigation Report**

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 05:42:07

Supplement Notes

BWC used. Portions of this video may be muted, per department policy.

On 10/09/2021, several other officers and I responded to the Days Inn at [REDACTED] reference a shooting/officer needs emergency assistance. It was reported an off-duty Border Patrol Agent had shot a male who was going after a female. Prior to my arrival, other officers arrived on scene and located a male with gunshot wounds. They were rendering aid when I arrived on scene. The Agent was on scene and compliant with arriving officers.

Upon arrival, I assisted other officers in locating shell casings. I then made contact with one of the complainants and Front Desk Clerk for the Days Inn, Laurel Pavlik. Pavlik was crying and her hands were trembling. Her eyes were red. She advised she was not injured and did not need medical attention, but she was "shaken up."

Pavlik advised a guest came into the front desk and told her there were several people sitting in the middle stairwell using drugs. She went to the area and located a group of people (one of which was the male who had been shot--later identified as Edward Colteaux; unknown how many people total) and asked them to leave. They gathered their belongings and were initially compliant. She followed them off the property and they walked southbound toward the Denny's. As they were near the south parking lot/just south of the main entrance to the front desk, Colteaux (white male, striped shirt, knit cap, jeans) began "flipping out." He began screaming, saying that he "owned the place," called Pavlik a, "cunt" and said "you need to die, you killed Chelsea, you killed my husband and kids," "I'm gonna kill you." Colteaux then came toward her and "got in her face." He had his left finger near her face and was holding something which "glowed" in his right hand. She was unsure if it was a knife or possibly a lighter. She was scared, and Colteaux began to pick up rocks from the flower bed area near the hotel. He started throwing the rocks when she heard gunshots and saw a male, later identified as James Holmes, near a vehicle who had shot at the suspect. She heard Holmes yell something, possibly "stop," but she was not sure. She advised there were no outdoor cameras at the Days Inn, only indoor. She had no further information.

I relayed this information to Officer Anderson #101163. I stood by as scene security until advised I could secure.

This concluded my involvement with this incident.

Covarrubias #51612 ODW/7

OFFICIAL REPORT**Incident/Investigation Report**

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 06:31:04

Supplement Information

Supplement Date 10/10/2021 02:46:42	Supplement Type ADDITIONAL DETAILS	Supplement Officer (101856) BARTON, JASON
Contact Name		Supervising Officer (51935) SANTA MARIA, FRANCISCO ANTONIO

Witnesses

Seq. # 4	Name (Last, First, M) ESCALANTE, IVANA ROSE	Race I	Sex F	DOB [REDACTED]	Age 30
Address [REDACTED]				Home Phone [REDACTED]	
Employer Name/Address /				Business Phone	
Witness Type					

Witness Notes

OFFICIAL REPORT



Incident/Investigation Report

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 06:31:04

OFFICIAL REPORT



Incident/Investigation Report

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 06:31:04

Supplement Notes

BWC used during investigation.

Responded to [REDACTED] reference an officer needing assistance/shots fired.

Upon arrival I observed a silver SUV facing east in the parking lot with a male standing next to the driver's door holding a black semi-automatic handgun. I told Ofc Wilson to stand by with this male while I went to help treat the victim, while looking at the victim there was an unknown female crying and holding onto the male. I moved the unknown female to the side.

Once to the side the female continued to cry and said that the helicopter needed to land to transport him to the hospital. The female did not tell me her name and was so upset she was unable to answer questions. Eventually the female said she was the friend of the male but did not know his name. The female said the male and the clerk got into a verbal argument followed by hearing 4 gun shots.

I took photographs of the female was identified as I'vana Escalante.

I cleared from the scene after crime scene was done processing the scene.

NFI

Barton

101856/ODW

OFFICIAL REPORT**Incident/Investigation Report**

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 06:36:06

Supplement Information

Supplement Date	Supplement Type	Supplement Officer
10/10/2021 05:51:33	ADDITIONAL DETAILS	(102570) WILSON, TRAVIS
Contact Name		Supervising Officer
		(51935) SANTA MARIA, FRANCISCO ANTONIO

OFFICIAL REPORT



Incident/Investigation Report

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 06:36:06

Supplement Notes

BWC Utilized and muted to speak with Officers.

On 10/9/2021 while working as a two man unit with Ofc Anderson, we responded to a 10-99 request for backup from an off duty border patrol agent at [REDACTED] (Denny's). While in route dispatch advised that someone had been shot at the scene.

Upon my arrival, I made contact with the off duty border patrol agent, James Holmes, who was standing next to his silver Toyota RAV4 hybrid. Upon contact, James was holding what he stated was his off duty firearm, an HK P2000 .40 cal serial number 123091842DE in his right hand. I instructed him to place the gun down on the driver side of his vehicle. He complied and placed it on the driver side floorboard. I put on a pair of gloves and then took the firearm to secure it. James advised me that he did conduct a magazine exchange and pointed to where he dropped his first magazine.

I took the firearm to the closest TPD vehicle and cleared it on the hood of the vehicle in view of my body worn camera. I removed the magazine which was fully loaded with twelve .40cal rounds. I then racked the slide to the rear position and a single round was ejected from the chamber. I used my department cell phone to photograph the firearm at that time. I continued to maintain control of the firearm. During this time I also located 7 spent .40cal shell casings approximately 10ft away from the drivers side door where James was standing. There was also a magazine for the HK nearby that still had 5 rounds in it.

I used my department cellphone to photograph all the above mentioned items and uploaded them via the AXON app. I then returned to my patrol vehicle with James' firearm still in my possession and secured it in the trunk of my vehicle. I returned to James and took photos of him and his hands. James stated he was uninjured and did not require medical attention.

I then returned to the scene and secured the area around the shell casings and the magazine. I used orange traffic cones placed next to the casings to mark their position and placed an additional cone on top of the magazine. I was assigned to stay and watch my portion of the scene until detectives arrived by Sgt Hussman.

Crime scene arrived and took photos of the scene and then requested to photograph the firearm. I retrieved the firearm from my patrol vehicle's trunk and allowed them to photograph it. I then placed the firearm into an evidence bag and maintained positive physical control of it.

OFFICIAL REPORT



Incident/Investigation Report

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 06:36:07

At 0108hrs on 10/10/2021 I transferred custody of the firearm to Detective Lockwood (48373).

I then remained on scene and provided scene security until detectives concluded their investigation.

OFFICIAL REPORT**Incident/Investigation Report**

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 13:51:02

Supplement Information

Supplement Date	Supplement Type	Supplement Officer
10/09/2021 22:48:28	ADDITIONAL DETAILS	(103049) TAYLOR, JOHN
Contact Name		Supervising Officer
		(49045) ASHTON, TYLER

Witnesses

Seq. # 2	Name (Last, First, M) HOGAN, JOHN	Race W	Sex M	DOB [REDACTED]	Age 58
Address [REDACTED]				Home Phone [REDACTED]	
Employer Name/Address [REDACTED]				Business Phone [REDACTED]	
Witness Type [REDACTED]					

Witness Notes

OFFICIAL REPORT



Incident/Investigation Report

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 13:51:02

OFFICIAL REPORT



Incident/Investigation Report

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 13:51:02

Supplement Notes

****BWC AVAILABLE****

On 10/09/2021 while performing as a patrol unit, I was dispatched to [REDACTED] reference a 10-99 officer needs immediate assistance. Dispatch advised me that a border patrol agent had been shot.

I responded to the scene with my emergency equipment activated. Upon arrival of the scene, I was directed to speak with possible witnesses in the area.

I made contact with John Hogan who advised that he and his family had just arrived to Days Inn [REDACTED] and entered their room 202. Once inside, John could hear approx. 3-4 "pops" Which he stated sounded like gun shots. His wife and kids then hid in the back of the hotel room. He stated that his wife and daughter had told him that they could hear two males arguing and one of them saying "you fucking..." John stated that he did not see anything and only heard the incident.

I advised officers on scene of the information I received.

This concludes my involvement in the case.

Ofc. J Taylor
#103049

OFFICIAL REPORT**Incident/Investigation Report**

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 13:51:03

Supplement Information

Supplement Date 10/09/2021 22:47:24	Supplement Type ADDITIONAL DETAILS	Supplement Officer (104195) JOHN, JEREMY
Contact Name		Supervising Officer (49045) ASHTON, TYLER

Witnesses

Seq. # 1	Name (Last, First, M) HENHOEFFER, CAITLIN	Race	Sex F	DOB [REDACTED]	Age 30
Address				Home Phone	
Employer Name/Address				Business Phone	
Witness Type					

Witness Notes

Seq. # 1	Name (Last, First, M) HOGAN, KIMBERLY	Race	Sex F	DOB [REDACTED]	Age 53
Address				Home Phone	
Employer Name/Address				Business Phone	
Witness Type					

Witness Notes

OFFICIAL REPORT



Incident/Investigation Report

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 13:51:03

OFFICIAL REPORT



Incident/Investigation Report

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 13:51:03

Supplement Notes

BWC Note: may have been muted/powerd off for non-investigative purpose or inadvertently switched off during use

Photo/Audio/Video/Citizen Note: Any collected media uploaded to Axon Capture

I am currently AZPOST Certified as a Peace Officer and employed with the City of Tucson Police Department. I am currently working in the capacity of a Patrol Officer assigned to Operations Division Midtown, Squad 5. The call for service I responded in reference to was located within the Tucson City limits.

I spoke with two female individuals that were staying inside of room 202 at the Days Inn hotel at [REDACTED]. The first individual verbally identified herself as Caitlin Henhoeffter. Caitlin advised that she was inside of room 202 when she heard two males arguing outside in the parking lot. Caitlin advised that she heard one of the males say "Are you fucking..." and heard five to six gun shots. Caitlin said that she took her son at this time and went into the bedroom for shelter. Caitlin said that she did not see anything and only heard the argument and gun shots.

I spoke to Kimberly Hogan who was also present inside of room 202 during the incident. Kimberly said that she heard two individuals arguing outside followed by five to six gunshots as well. Kimberly advised that she did not see anything and only heard the argument and gun shots.

This concluded my involvement at this time. NFI.

OFFICIAL REPORT**Incident/Investigation Report**

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 19:31:02

Supplement Information

Supplement Date 10/10/2021 02:26:04	Supplement Type ADDITIONAL DETAILS	Supplement Officer (103804) BAKER, CASEY
Contact Name		Supervising Officer (101843) ROBERTS, DANIEL

OFFICIAL REPORT



Incident/Investigation Report

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 19:31:02

Supplement Notes

On 100921, I responded to [REDACTED] reference a 10-99/Officer needs immediate assistance.

Upon arrival, I assisted in taping off the scene with crime scene tape.

I was assigned by Sgt. Hussman to stand-by with the suspect, James Holmes. I was advised by Ofc. Castorela that James had requested his Attorney and that he would not be providing any statements. I had Ofc. Hancock get James a large cup of water from Dennys

James was leaning against a patrol vehicle and was on the phone with someone from Border Patrol. The individual on the phone was providing James with updates of where James' supervisor and other responding Border Patrol Agents. The individual had asked James what had occurred regarding the incident. James began to respond and I reminded James that I had a Body-Worn Camera as to not have James make any inadvertent statements without his lawyer present. James advised the individual on the phone that he would talk to them later.

Three Border Patrol Agents responded to the scene. They ensured that James was OK. They did not talk about any details regarding the incident.

I was instructed by Sgt. Hussman to take field photos of James and then transport him to Tucson Police Headquarters to await detectives.

I took field photos of James. I removed everything from James' pockets to include a wallet, a phone, an empty leather Inside the waistband holster. James was placed into the rear of my patrol vehicle and transported to Tucson Police Headquarters.

I stoodby with James and Ofc Gunn until Detectives arrived to speak with him. During the course of waiting, James used the restroom 5 times. James asked if the "lady in white that was being assaulted" was ever found but didn't say anything else surrounding the incident.

I was relieved by Det. Vasquez.

Field photos were uploaded to AXON Mobile.

This concludes my involvement in this investigation.

OFFICIAL REPORT



Incident/Investigation Report

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 19:31:02

Baker BWC

103804

ODW/9

OFFICIAL REPORT**Incident/Investigation Report**

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 19:36:02

Supplement Information

Supplement Date	Supplement Type	Supplement Officer
10/10/2021 03:01:47	ADDITIONAL DETAILS	(103503) GUNN, JACOB
Contact Name		Supervising Officer
		(101843) ROBERTS, DANIEL

Witnesses

Seq. # 5	Name (Last, First, M) PALMER, CLINT	Race W	Sex M	DOB [REDACTED]	Age 47
Address [REDACTED]				Home Phone [REDACTED]	
Employer Name/Address [REDACTED]				Business Phone [REDACTED]	
Witness Type [REDACTED]					

Witness Notes

Seq. # 6	Name (Last, First, M) SANDERSON, MARK	Race W	Sex M	DOB [REDACTED]	Age 56
Address [REDACTED]				Home Phone [REDACTED]	
Employer Name/Address [REDACTED]				Business Phone [REDACTED]	
Witness Type [REDACTED]					

Witness Notes

OFFICIAL REPORT



Incident/Investigation Report

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 19:36:03

OFFICIAL REPORT



Incident/Investigation Report

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 19:36:03

Supplement Notes

BWC used

On 10/09/2021 I assisted at [REDACTED] in reference to a 10-99 officer in need of urgent assistance.

I arrived on scene and was directed to find additional witnesses. I made contact with Clint Palmer staying in room 225 and Mark Sanderson staying in room 234.

Clint advised me that he pulled into the driveway about 5 minutes before he heard gunshots. As he was walking up to his room he noticed a homeless male in the center stairwell curled up into a ball and appeared to be on drugs. Clint said he advised a female in the lobby about the homeless subject and walked back up to his room. Once at his room he heard 5 or 6 gunshots. He went outside and did not see anything.

Mark Sanderson told me that he was in his room and heard 4 gunshots. He went outside and saw 2 people running towards the hotel which would be north. He hears screaming and what sounded like a male saying "put your hands up" Mark said that he did not see anything due to where his room was but could only hear it.

I advised Ofc Lushbaugh (51915) of both statements.

I remained scene security until I was further advised to follow Ofc Baker (103804) to 270 S Stone with the boarder patrol agent James Holmes.

I remained at 270 S Stone until Detectives from scene relieved me. I did not speak with James Holmes about the incident.

This concludes my involvement.

Gunn
103503

OFFICIAL REPORT**Incident/Investigation Report**

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 23:10:14

Supplement Information

Supplement Date	Supplement Type	Supplement Officer
10/10/2021 03:21:14	ADDITIONAL DETAILS	(103216) MYERS, KYLIA
Contact Name		Supervising Officer
		(40872) NAVARRO, RAUL MUNOZ

OFFICIAL REPORT



Incident/Investigation Report

Agency: TPD

Case Number: 2110090181

Date: 10/10/2021 23:10:14

Supplement Notes

BWC UTILIZED

I responded to the listed address in reference to a fight with weapons.

Upon arrival, I secured the scene with crime scene tape. I made contact with subjects who were at the Days Inn who did not see what had occurred. I made contact with customers at the Denny's who stated that they did not see the incident. I attempted to retrieve video surveillance from the Denny's. Video footage did not show the incident. There was no video camera facing the north end of the parking lot where the shooting had occurred. The other cameras did not capture any suspects or victims.

I stood by witness's whom I did not interview. I was then relieved by detectives.

This concludes my involvement with this case.

OFFICIAL REPORT**Incident/Investigation Report**

Agency: TPD

Case Number: 2110090181

Date: 10/11/2021 02:45:08

Supplement Information

Supplement Date	Supplement Type	Supplement Officer
10/11/2021 02:13:33	CRIME SCENE UNIT SUPPLEMENT	(48438) AGAN, STEVEN EDWARD
Contact Name		Supervising Officer
		(46521) DE LA OSSA, JAVIER

OFFICIAL REPORT



Incident/Investigation Report

Agency: TPD

Case Number: 2110090181

Date: 10/11/2021 02:45:08

Supplement Notes

Date of Assignment: 10/10/2021

Location: [REDACTED]

Arrival Time: 0249

Clear Time: 0515

I was requested to respond to the listed location by Sergeant Haynes #41537 and CSSS De La Ossa #46521 to obtain measurements of the scene using the Faro Focus Laser S70 3D Scanner.

The Faro Laser scan data collected was then imported into the Faro Scene software by CSSS De La Ossa #46521) and a Scene 2go read-only distribution project file was created.

All original Faro Scan Data was saved to the Tucson Police shared network drive and is available upon request through the Identification Section. Scanner placement diagram notes were forwarded to the Records Section to the case file.

OFFICIAL REPORT**Incident/Investigation Report**

Agency: TPD

Case Number: 2110090181

Date: 10/13/2021 00:40:04

Supplement Information

Supplement Date	Supplement Type	Supplement Officer
10/10/2021 00:26:47	ADDITIONAL DETAILS	(45470) STONEHAM, MICHAEL J
Contact Name		Supervising Officer
		(53763) DUFFY, DEREK

Witnesses

Seq. # 7	Name (Last, First, M) BALTAZAR, FRANCISCO	Race H	Sex M	DOB [REDACTED]	Age 24
Address [REDACTED]				Home Phone	
Employer Name/Address				Business Phone	
Witness Type					

Witness Notes

OFFICIAL REPORT



Incident/Investigation Report

Agency: TPD

Case Number: 2110090181

Date: 10/13/2021 00:40:04

OFFICIAL REPORT



Incident/Investigation Report

Agency: TPD

Case Number: 2110090181

Date: 10/13/2021 00:40:04

Supplement Notes

BWC USED-MUTED TO SPEAK WITH OFFICERS.

I RESPONDED TO THE LISTED ADDRESS AFTER A 911 CALL WAS RECEIVED STATING THAT A BORDER PATROL AGENT NEEDED EMERGENCY ASSISTANCE AND THAT SHOTS HAD BEEN FIRED. UPON MY ARRIVAL THE SCENE HAD BEEN SECURED AND TUCSON FIRE WAS ALREADY ON SCENE TREATING A SUBJECT. THE BORDER PATROL AGENT (OFFDUTY) WAS NOT INJURED. I MADE CONTACT WITH FRANCISCO JAVIER BALTAZAR WHO WAS WORKING SECURITY AT THE DENNY'S JUST SOUTH OF THE INCIDENT LOCATION. FRANCISCO GAVE ME THE FOLLOWING STATEMENT.

IT WAS HIS FIRST DAY WORKING AT THIS LOCATION. HE STAYS INSIDE THE RESTAURANT AND WILL GO OUTSIDE TO WALK THE PARKING LOT. THROUGH OUT THE DAY HE HAD BEEN DEALING WITH TRANSIENT WHO HANG OUT IN THE BACK PARKING LOT AREA OF THE RESTAURANT. HE HAD TOLD THEM SEVERAL TIMES THAT THEY NEEDED TO LEAVE. AT THE TIME OF THE INCIDENT HE WAS INSIDE THE RESTAURANT. HE HEARD WHAT HE BELIEVED TO BE 9 GUNSHOTS COMING FROM OUTSIDE. WHEN HE WENT OUTSIDE HE OBSERVED A MALE LAYING ON THE GROUND AND HE BELIEVED HIM TO BE SHOT. HE DID NOT SEE OR HEAR ANYTHING THAT LEAD UP TO THE SHOOTING. HE BELIEVED THAT THE MALE ON THE GROUND WAS ONE OF THE TRANSIENTS HE HAD BEEN DEALING WITH EARLIER IN THE DAY. FRANCISCO HAD NO FURTHER INFORMATION.

I THEN ASSISTED IN SECURING THE PERIMETER OF THE SCENE AND TOOK A POSITION ON THE WEST SIDE UNTIL RELIEVED BY OFC SANTA MARIA. I DID NOT SPEAK WITH ANYONE ELSE INVOLVED WITH THIS INCIDENT. THAT CONCLUDED MY INVOLVEMENT. NFI

OFFICIAL REPORT**Incident/Investigation Report**

Agency: TPD

Case Number: 2110090181

Date: 10/13/2021 10:13:03

Supplement Information

Supplement Date	Supplement Type	Supplement Officer
10/12/2021 16:27:57	ADDITIONAL DETAILS	(41238) CHEEK, JOSH
Contact Name		Supervising Officer
		(41537) HAYNES, SCOTT

OFFICIAL REPORT



Incident/Investigation Report

Agency: TPD

Case Number: 2110090181

Date: 10/13/2021 10:13:03

Supplement Notes

Case Number: 2110090181

Supplement by Detective J. Cheek 41238 on 101221

Location

[REDACTED]

[REDACTED]

Victim

Colteaux, Edward Colin

Suspect

Holmes, James

Narrative

On 110921 at approximately 2230 hrs, Sergeant Haynes contacted me and asked me to respond to the Denny's at [REDACTED] to assist with a homicide investigation in which an off duty Border Patrol Agent shot and killed a male in the parking lot. I responded and found the

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parking lots for the Denny's and the Days Inn [REDACTED] were blocked off with crime scene tape and marked patrol vehicles. I met with Sergeant Haynes, Detective Lockwood 48373, Detective Vazquez 44603, Detective Robinson 43002, Detective Pena 54035, Detective Foster 50738, Detective Orozco 44602, and patrol officers in the parking lot of the Denny's. Officer Anderson 101163, Officer Covarrubias 51612, Officer Lushbaugh 51915, and Officer Wilson 102570 gave us an investigative briefing. They relayed the following information.

Officers responded to the location reference a request from Customs and Border Patrol (CBP) for emergency assistance. CBP indicated that an off-duty officer needed emergency assistance at the Denny's at [REDACTED] and that someone had been shot. At the same time, the clerk at the Days Inn at [REDACTED] called 911 to report that someone had been shot outside.

Officers responded and located off-duty Border Patrol Agent James Holmes in the parking lot. He showed Officer Pena 52901 his Border Patrol badge, and said, "I shot him, he was throwing rocks at the female." Officers located a male with gunshot wounds on the ground in the south parking lot of the Days Inn. A female was on top of him. She refused to identify herself. Officers rendered aid, and Tucson Fire paramedics responded, but the male on the ground was pronounced deceased at approximately 2205 hrs by Doctor Gaither. The female who was located on top of the victim initially said the male was her friend, but then stopped talking. The victim had apparent gunshot wounds to his lower back and shoulder area.

Officer Covarrubias met with Laurel Pavlik, the clerk at the Days Inn. She stated that a guest had reported to her that a group of individuals were congregating in one of the stairwells at the hotel and were using drugs. Pavlik went to the stairwell and told the group to leave. She followed them as they began to walk away from the property. Suddenly, one of the males (the victim) "flipped out," and started screaming at Pavlik. The male said, "You need to die! You killed my husband and my kids." The male had something in his right hand. At one point, the male picked up some rocks and threw them at Pavlik. Then she heard gunshots. She looked and saw a male had exited a nearby vehicle and shot the victim.

There were numerous people at the Days Inn who heard gunshots, but did not see what happened.

James Holmes was with his fiancé, Emily Rodgers, and his mother, Iliana Holmes. They were in a vehicle, having eaten dinner at Denny's. Emily told officers she saw a male accosting a female in the parking lot, and pointed it out to her fiancé, Holmes. Holmes got out of the vehicle they were in, and fired shots at the male.

Manuel Dorame was outside the Denny's in the northwest corner of the parking lot when the shooting occurred. He saw a male exit the driver's side of a vehicle and fire approximately 10 shots.

Amri Beriter was inside the Denny's, sitting in a booth, when the shooting occurred. She saw a male fire shots outside the restaurant. She didn't see what the male was shooting at.

Officer Wilson took the handgun fired by James Holmes from the driver's seat of the vehicle, removed the cartridge from the chamber, and placed it into a bag. The handgun had a freshly loaded magazine inserted. The initial magazine used in the shooting was located on the ground in the parking lot, along with 7 cartridge casings.

James Holmes stated that he wanted an attorney prior to giving any statements.

Sergeant Haynes then gave out assignments. He assigned Detective Vazquez and the case investigator, and assigned Detective Robinson as the secondary investigator. He assigned me and Detective Lockwood to process the scene in the parking lot. He assigned other investigators to interview witnesses.

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We conducted a brief walkthrough of the scene. Crime Scene Specialist Fisher 104569 took overall photographs. Detective Lockwood acted as recorder, keeping a list of items of evidence located. Medicolegal Death Investigator Kelsey Scott responded from the Office of the Medical Examiner. I placed bags over the victim's hands, sealed them, and signed the seals. After searching the victim's person, I couldn't locate any identification, so we removed the handbags and I asked Crime Scene Specialist Fisher to use the MorphoIdent tool to try and identify the victim. She was able to identify him using his fingerprints as Edward Colin Colteaux. I placed new handbags over his hands, sealed them, and signed the seal. I signed the body bag seal as well.

Afterward, I met Detective Lockwood and Detective Foster at 945 E. Ohio, where we packaged the items and placed them into evidence. I did not interview anyone reference this case. This concluded my involvement in this investigation as of 101221.

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Case Number: 2110090181

Date: 10/13/2021 10:48:04

Supplement Information

Supplement Date	Supplement Type	Supplement Officer
10/12/2021 16:06:43	FOLLOW UP	(44602) OROZCO, HERIBERTO
Contact Name		Supervising Officer
		(41537) HAYNES, SCOTT

Other Persons Involved

Name Type	Seq. #	Name (Last, First, M)	Race	Sex	DOB
Involved, Other	12	COLTEAUX, KARLA	W	F	
Address				Home Phone	
Employer Name/Address				Business Phone	
/					

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Date: 10/13/2021 10:48:04

Supplement Notes

On October 9, 2021 (Saturday) at approximately 2230 hours I received a telephone call from Sgt. S. Haynes advising me of a call out reference to a Homicide Investigation. I learned that an Off Duty Border Patrol Agent had shot someone and that person had died. I was directed to respond to [REDACTED] for a formal briefing.

On my arrival I found that the scene was located in the south parking lot of the Days Inn. I attended briefing given by Ofc. A. Anderson.

I learned that 911 communications received a call from Border Patrol Communications about an Off Duty Border Patrol Agent being involved in a shooting. At the same time a Days Inn clerk named Laurel Lee Pavlik called 911 to report that someone had been shot.

Tucson Police Officers responded to the 10- 99 call (Officer needs emergency assistance) at the Days Inn.

On arrival Ofc. Pena made contact with a male in the parking lot standing next to a Silver Toyota Rav4 bearing Arizona license plate GHA3B4A. The male was holding up Law Enforcement credentials in one hand and a gun in the other.

The male was identified as James Holmes an Off Duty Border Patrol Agent who was with his girlfriend and mother at the time of the incident. When contacted Holmes made the utterance to Ofc. Pena that he shot the person because he was throwing rocks at the female.

On the ground in the parking lot Officers located a White male that had gunshot trauma to his upper torso. Officers and Tucson Fire Paramedics provided medical aid and at 2205 hours the victim was pronounced dead by Banner University Medical Center Dr. Gaither.

A female who refused to provide her name stated that she was friends with the injured White male but would not provide the victim's name. The female also refused to provide Officers her name and contact information. Officers did not find identification on the victim and were not able to identify him.

Officers made contact with a female named Emily Rodgers who identified herself as Holmes girlfriend and Iliana Holmes who identified herself as Holmes mother.

The Days Inn clerk Laurel Lee Pavlik told Officers that she was working when a guest told her about a group of people doing drugs and hanging out in the middle stairwell. Pavlik walked to the group and told them to leave the property. The group collected their items and started walking off the property followed by Pavlik.

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At some point the White male "flipped out" and "screamed" at Pavlik that she was "a cunt" and told her "you need to be killed, you killed Chelsea, you killed my husband and kids". The male then bent down and picked up rocks.

After the interview Sgt. Haynes gave out investigative assignments. Det. R. Vazquez was assigned at the Primary Investigator with Det. P. Robinson as Secondary.

Det. J. Cheek and Det. J. Lockwood were tasked with processing the scene while Det. G. Pena and I were tasked with conducting interview.

I interviewed Ilana M. Holmes who was identified as James Holmes mother. She reported the following that is summarized and paraphrased. For exact verbiage and dialogue refer to the recorded statement.

Interview (Spanish) - [REDACTED]

She was in Tucson visiting her son James and his girlfriend Emily.

Her son went to work today and returned home after his shift.

Since it was Emily's birthday they decided to go out to eat.

Emily wanted to go to Denny's so they drove to St. Mary's and the Freeway.

When they arrived James parked the car between the restaurant and the Days Inn.

She did not notice anyone in the parking lot when they arrived and did not notice anyone as they walked toward the restaurant.

Once inside the restaurant they ordered dinner and were eating dinner when Emily decided to go to the bathroom.

After a period of time she told James to text Emily or check on her because she was taking longer than usual.

When Emily returned to the table she told them that she was not able to leave the bathroom because an unknown female was changing clothes and blocking her path.

After Emily returned they finished dinner then exited the restaurant.

They walked to their car with James getting in the drivers seat, Emily in the front passenger seat and her in the rear drivers seat behind James.

As they were getting into the car she noticed a female with dark hair arguing with a male in the parking lot.

The male and the female were in the middle of the parking lot behind their vehicle but moved once James started backing out.

She then saw a female with light colored hair near the male and female with dark colored hair.

The male started yelling at the female with light colored hair while the female with the dark colored hair walked away.

As they were driving toward the exit she saw the male "aggressively" walk toward the female with the light colored hair and lift his right arm up.

James stopped the car suddenly and exited the vehicle.

She thought that "they were going to kill her son" and she heard James say in English "stop, stop, don't do it, don't do it".

She was upset about what was going on and started crying then she looked down and put her hands to her head.

She saw James pull out his firearm and while her head was down she saw flashes of light to her left side.

After the shooting she told Emily to turn off the radio and she heard James talking on the phone giving someone his employee number.

When she turned to look back she saw the male on the ground with the female with dark hair hugging him.

Before Police Officers arrived she called her son George Holmes and told him that something had happened.

During the interview I asked Ilana if she saw anything in the male's hand when he lifted it up and she told me that she did not. Ilana telephone her son George who agreed to respond to the location and pick up his mother. I asked Ofc. Lopez with wait with Ilana inside Denny's until her son arrived.

I then assisted Det. Cheek and Det. Lockwood in collecting items of evidence. While in the scene I saw the victim, a backpack, spent cartridge

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casings, a projectile and a Red SUV that had two bullets strikes to the rear quarter panel.

Crime Scene Specialist S. Fisher used a Morpho ID device to identify the victim. A records check showed that the victim was Edward Colin Colteaux [REDACTED] I provided Sgt. Haynes with the victim's name.

I was then asked to find Next of Kin for Colteaux. I drove to Tucson Police Headquarters where I conducted a records search.

Edward Colteaux had a General Delivery address of [REDACTED] and an address of [REDACTED]

I telephoned the Pima County Jail to obtain any Next of Kin information that Colteaux may have listed when he was booked into jail. I was told by Pima County Jail records that Colteaux did not have anyone listed as an Emergency contact.

I then telephoned the Department of Corrections to obtained Next of Kin information. I learned that Colteaux had listed a female named Karla Colteaux as an Emergency contact. I was given the phone number [REDACTED] no address was listed.

During my records search I found a Tucson Police Department incident where Edward Colteaux was contacted by Police and admitted for a mental health evaluation. From that report I was able to find a date of birth for Karla Colteaux.

I conducted a records search on Karla Colteaux and I found that she had an address of [REDACTED] listed on her Driver's license.

I requested TPD records (TWX) send a message to Mesa Police Department for Next of Kin notification. I provided Det. Vazquez phone number.

I took no further action in this investigation. NFI

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Agency: TPD

Case Number: 2110090181

Date: 10/15/2021 17:43:05

Supplement Information

Supplement Date	Supplement Type	Supplement Officer
10/09/2021 22:39:45	ADDITIONAL DETAILS	(103074) VALENZUELA, VICENTE
Contact Name		Supervising Officer
		(52789) LANDAU, TODD

Other Persons Involved

Name Type	Seq. #	Name (Last, First, M)	Race	Sex	DOB
Involved, Other	1	GASAWAY, JOHN A	W	M	
Address			Home Phone		
Employer Name/Address			Business Phone		
/					

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Supplement Notes

BWC was utilized and muted at various times to speak with officers

On 10/09/2021 I was working I uniform and on patrol in Tucson's Operation Division South. While on patrol I was dispatched to [REDACTED] in reference to a 10-99/Officer needs emergency assistance. I was informed over the radio that this was in reference to a border patrol agent needing assistance.

I arrived at the location and made contact with several officers that were on scene. I was informed that there were several witnesses that needed to be spoke with.

I observed a male on the floor in which TFD was evaluating.

I spoke with a male who identified himself as John Gasaway. John explained to me he was riding his bike near the Chevron located on St. Marys and Freeway. John explained to me that he heard 6 shots and observed a silver sedan and gold sedan driving southbound on Freeway. John could not explain what the vehicles involvement in this incident. John added that the two vehicles were appeared to be "racing".

John explained that he did not see the shooting. John described a female who was crying and another male with the female that were associated to the shooting victim. John explained that he knew the shooting victim, female and male from the area.

I stood by with a witness who was a male. The male was upset and stated he gave his statement to OFC. Krause.

While remaining with the male he made statements similar to the effect of "I see a car drive up and shoot". The male made statements that the vehicle was parked in front of a TFD fire truck. The male stated that the shooter had shot the male in the back. The male explained the male shot approximately 10 times. The male stated something to the effect of "he did not have to shoot him that many times. ...one or two but not that much".

I was relieved by a ODW officer.

I spoke with another male who did not identify himself to me. The male explained to me that he did not see any of the incident and or hear the any shots.

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I observed two bullet defects to a vehicle and additional damage to another vehicle. I conducted a records check to the license plate of PAA7B3A and BYX1291. I did not make contact with the registered owners of the cars. I was informed that additional officers on scene will continue the investigation.

I informed OFC. Krause of this information.

This includes my involvement in this incident.

No further information.

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Agency: TPD

Case Number: 2110090181

Date: 10/17/2021 12:46:03

Supplement Information

Supplement Date 10/15/2021 08:35:49	Supplement Type ADDITIONAL DETAILS	Supplement Officer (43002) ROBINSON, PATRICK J
Contact Name		Supervising Officer (41537) HAYNES, SCOTT

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Agency: TPD

Case Number: 2110090181

Date: 10/17/2021 12:46:03

Supplement Notes

On 10/09/2021 at approximately 2230 hours Sergeant Haynes asked me to respond to [REDACTED] reference a homicide investigation. I attended a briefing conducted by Officer Anderson and Officer Covarrubias.

Victim (deceased)

Edward Colteaux

Suspect:

James Holmes (United States Border Patrol)

Witnesses

Ivana Escalante
Emily Rodgers
Iliana Holmes
Manuel Dorame
Amri Beriter
Laurel Lee Pavlik

OFFICIAL REPORT**Incident/Investigation Report**

Agency: TPD

Case Number: 2110090181

Date: 10/17/2021 12:46:03

Synopsis:

On 10/09/2021 the Tucson Police Department Communications was contacted by the United States Border Patrol requesting assistance reference a shooting involving an off duty Border Patrol Agent in the area of [REDACTED]. Also a 911 call was received reference a shooting at the Days Inn located at [REDACTED]. Upon officers arrival they made contact with a male, later identified as James Holmes. It was learned James is an off duty Border Patrol Agent. James had his firearm in one hand and his badge in the other hand. James was detained by officers and his handgun was secured. James told Officer Pena 52901 that he shot the male because he was throwing rocks at the female. Officers located a male subject later identified as Edward Colteaux suffering from gunshot wounds. Edward was pronounced deceased on scene at 2205 hours by Doctor Gaither. The Assistant Manager of the Days Inn, Laurel Lee Pavlik informed Officers that four subjects were loitering at the Days Inn. Laurel confronted the subjects and asked them to leave the property. Two of the subjects, Edward Colteaux and Ivana Escalante walked to the front office area and started to walk off the property as Laurel followed them. Edward turned around to face Laurel and told her he was going to kill her. Edward picked up some rocks and was going to throw them at her. James was in the process of exiting the Denny's parking lot when he exited his vehicle and discharged his firearm several times striking Edward. In James's vehicle at the time of the shooting was his mother Iliana Holmes and his fiancé Emily Rodgers.

At the conclusion of the briefing Sergeant Haynes assigned Detective Vazquez as the primary Investigator and I was assigned as the secondary Investigator. Detective J Cheek and Detective Lockwood processed the scene.

I participated in a walk-through of the scene.

On 10/10/2021 at approximately 0015 hours Detective Vazquez and I conducted an interview with Laurel Lee Pavlik, [REDACTED]. The interview was digitally recorded and it was conducted in an office located inside the Days Inn. Detective Vazquez was the primary interviewer in this interview. This is a summary of the interview:

- Laurel lives at [REDACTED]
- She is the Assistant Manager at the Days Inn located at [REDACTED]
- She usually works for [REDACTED] hours
- She arrived at work today (10/09/2021) at 1500 hours
- While at work a guest came down to the lobby at approximately 2130 hours and informed her that 4 subjects were loitering in the breezeway west of the pool area
- She walked to the area to investigate and she located 3 men and 1 female loitering under the staircase.
- She told the subjects they need to leave the property.
- Two of the males walked to the west parking lot and head north off of the property
- The other male and the female walked to the front of the Days Inn and started to walk south bound in the parking lot. The male was later identified as Edward Colteaux and the female was later identified as Ivana Escalante
- Edward stopped near the front door area on the brick patio and the female continued south bound to the sidewalk area of the Denny's restaurant.
- Edward told her she was not going to kick him off his property.
- Edward proceeded to tell her he was going to kill her and that she deserved to die
- Edward walked to within one foot in front of her and pointed his finger at her

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- She thought Edward was going to hit her.
- She feared for her life when Edward had his finger in her face
- She backed away from the male
- Edward bent down near the planter and picked up some rocks
- She described the size of the rocks as decorative gravel size to the size of golf balls
- Edward was holding some kind of illuminated object in his right hand
- Edward was approximately 5-6 feet from her
- She heard a male (James Holmes) yell, Hey, Hey, Hey
- She saw a vehicle parked at the exit.
- She thought the male yelling was watching the incident
- She ducked down because she thought Edward was going to throw the rocks at her or Edward did throw the rocks at her
- She heard 5 gunshots
- She went inside and called 911
- She did not see the male shoot
- She stated she had seen Edward before today's incident.
- On 09/21/2021 Edward was at the Days Inn and he threw a trash can at her
- She did recall seeing the female (Ivana Escalante) before
- There are no outside cameras at the Days Inn
- There were 3 cameras in the lobby of the Days Inn. Those cameras did not capture the incident

Laurel walked Detective Vazquez and I through the complex where she first encountered the 4 loitering subjects. She also showed us where the confrontation took place with Edward and the rock throwing.

On 10/10/2021 at approximately 0111 hours Detective Vazquez and I conducted an interview with Emily Rogers, [REDACTED]. The interview was digitally recorded and it was conducted in an office located inside the Days Inn. Detective Vazquez was the primary interviewer in this interview. This a summary of the interview:

- Emily lives at [REDACTED]
- She is currently employed at [REDACTED]
- This evening she was at the Denny's restaurant located at [REDACTED] with her fiancé James Holmes and James's mother, Iliana Holmes
- James had just gotten off of work and they decided to go to Denny's because they were hungry and it was her birthday
- James has been employed with Border Patrol since 2018
- James works in the Tucson Sector of Border Patrol
- James drove to Denny's in a Toyota Rav4
- She was the front seat passenger and Iliana was the rear seat passenger
- When they arrived at Denny's they parked between Denny's and Days Inn
- They sat in a booth on the east side of the restaurant
- They ordered and ate their meal
- After their meal they exited the restaurant out of the east door
- They walked to their vehicle
- They back up and start to leave.
- They were sitting in the same seats as when they arrived in the vehicle

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- She observed a male in the parking lot talking to the female hotel manager
- The male was wearing a stripped hoodie and a beanie
- The male was standing close to the female hotel manager
- They started to drive east bound
- They were now parallel to the male and the female
- The male was getting closer the manager's face
- The male was 2 feet away from the female
- She informed James what she was observing
- James stopped the vehicle
- Iliana told James to leave it
- She told James the male was going to hit the female
- The female took a step back and the male struck the female
- The male punched the female in the lower jaw area
- She thought the female was in danger
- She felt scared of the situation
- James open the driver's door and exited the vehicle
- James had his hands on his hip and pulled his firearm out of his holster
- James was pointing the gun at the ground
- James told her to call 911
- James told the male to stop
- She could not see the male at this point
- She was looking towards the freeway when she called 911
- James fired 6-10 rounds
- She told the dispatcher James fired his assigned duty weapon
- She exited the vehicle
- There was female lying on the male
- James did not say anything to her about the shooting incident
- James called the Border Patrol and advised them he was in shooting
- James had two guns, one on his person and one in the center console

Laurel Lee Pavlik and I walked to the brick walkway in front of the main door to the Days Inn. Laurel showed me where she was standing during the incident and she pointed out where Edward Colteaux was standing when he threw or attempted to throw the rocks at her. A traffic cone was placed where she was standing during the incident and where Edward was standing when picked up the rocks and attempted to throw them or threw them at her.

Detective Vazquez notified Edward Colteaux mother, Karla Colteaux of the death of her son.

This concludes my involvement at this time

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Agency: TPD

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Date: 10/17/2021 13:47:03

Supplement Information

Supplement Date	Supplement Type	Supplement Officer
10/17/2021 13:45:46	ADDITIONAL DETAILS	(41537) HAYNES, SCOTT
Contact Name		Supervising Officer
		(41537) HAYNES, SCOTT

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Agency: TPD

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Supplement Notes

On 10/09/21 I received a call from ODW Patrol Sgt. Hussman who informed me of a shooting homicide incident at [REDACTED] involving an off-duty US Border Patrol Agent. Sgt. Hussman informed me that CBP leadership was arriving at the scene and demanding to become involved in the investigation and have access to the agent who discharged a handgun while off duty. I directed Sgt. Hussman to have the off-duty agent photographed at the scene, be given a cover officer, and then be transported to the main station. I notified VCS Lt. Doggett of the incident and then contacted Homicide Detectives Vazquez, Orozco, Cheek, Lockwood, and Robinson along with Aggravated Assault Detectives Pena and Foster and met them at the scene.

Patrol officers had the parking lots of Denny's [REDACTED] and Day's Inn [REDACTED] secured with crime scene tape and patrol vehicles. A deceased male was under a sheet in the parking lot. I observed multiple shell casings near a Toyota RAV4 facing eastbound in the parking lot near the frontage road. There were multiple bullet strikes in other vehicles that were parked west from the RAV4. Witness were standing by with officers. I received a quick briefing from Sgt. Hussman and then I contacted USBP members who were standing by outside the crime scene tape. I explained the investigative process to them. They requested access to the agent and I explained that since it is an off-duty incident we would not grant their request at this time. I directed Lt. Doggett to the USBP leadership at the scene. Officers confirmed that the incident was not captured on surveillance video.

Ofc. Anderson #101163 conducted an investigative briefing consisting of the following: Off-duty USBP agent James Holmes DOB [REDACTED] was leaving the Denny's restaurant with his fianc Emily Rodgers DOB [REDACTED] and his mother Iliana Holmes DOB [REDACTED]. James was driving the Toyota RAV4, Emily was the front passenger, and Iliana was the rear driver's side passenger. They observed some sort of confrontation between an unknown male and female. James exited the car and discharged his firearm multiple times striking the unknown male multiple times. CBP communications was notified who contacted TPD. Officers arrived and attempted to render aid to the male. TFD arrived and later pronounced the male deceased at 2205 hours (Dr. Gaither). Officers collected Holmes' firearm which was in his hand as they arrived. Witnesses were located including: Manuel Dorame [REDACTED] who is a homeless male in the area and witnessed some of the incident, Laurel Lee Pavlik DOB [REDACTED] who is the night clerk at the hotel and was in the process of kicking the unknown male and others off the property just prior to the shooting, Ivana Escalante DOB [REDACTED] who initially refused to provide a name to officers, was with the male when he was shot and was seen hugging him after the shooting, and Amri Beriter DOB [REDACTED] who was eating at Denny's at the time of the incident. James Holmes made an excited utterance to the initial officers on scene. Ofc. Pena stated Holmes said "I shot him, he was throwing rocks at a female". Ofc. Wilson obtained the firearm used in the shooting (H & K P2000) .40 cal which matches the caliber of the casings at the scene. I was later informed that another officer obtained a

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firearm from the center console of the RAV4, a 9mm that was not discharged during the incident.

I made the following assignment: Primary investigator Det. Vazquez, secondary Det. Robinson-interview Rodgers and Pavlik, and then respond to the main station to interview James Holmes. Det. Orozco-interview Iliana Holmes who is a Spanish speaker, Det. Pena-interview the unknown female, later identified as Escalante and Dorame, Det. Foster-interview Beriter.

The TPD Crime Scene Unit responded to assist with photographs, processing, and mapping. I contacted the Pima County Office of the Medical Examiner who responded to the scene. They took custody of the body after processing. Crime Scene Units utilized the Morpho ID system to run the fingerprints from the deceased male. He was identified as Edward Colin Colteaux DOB [REDACTED]

I also contacted Deputy County Attorney Dan South and briefed him on the incident. He responded to the scene, conducted a walk through, and was briefed on the developments.

James Holmes declined to give a statement to detectives the night of the incident. He was released from the station. Lt. Doggett coordinated this with USBP leadership.

This case will be presented to the PCAO upon completion. See detective supplements for further details.

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Agency: TPD

Case Number: 2110090181

Date: 10/26/2021 00:01:03

Supplement Information

Supplement Date 10/17/2021 00:37:14	Supplement Type CRIME SCENE UNIT SUPPLEMENT	Supplement Officer (104569) FISHER, SARAH
Contact Name		Supervising Officer (39628) GRANT, THOMAS NORMAN

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Agency: TPD

Case Number: 2110090181

Date: 10/26/2021 00:01:03

Supplement Notes

Location: [REDACTED] (Days Inn)

Date: 10/9/2021

Arrival Time: 2308 hours

Date: 10/10/2021

Clear Time: 0259 hours

Images: 449

Investigating Officers: Detective Vazquez (#44603) Detective Orozco (#44602), and Officer Santa Maria (#51935)

BRIEFING:

On October 10, 2021, I responded to [REDACTED] (Days Inn) reference a criminal homicide (murder) investigation. Upon arrival, I contacted Detective Orozco and Officer Santa Maria. Officer Santa Maria advised me of the following information: A border patrol agent, James Holmes intervened an unknown subject throwing rocks at a women in front of the Days Inn [REDACTED] Holmes stepped out of his silver vehicle that was faced east towards the N. [REDACTED] and fired his weapon. There were seven cartridge cases by the vehicle and a magazine. The subject was shot and later pronounced deceased in the parking lot of the Days Inn. There were two firearms found inside the silver vehicle belonging to Holmes. There were two vehicles faced north in the Days Inn parking lot that had apparent bullet defects. There were witnesses inside a white vehicle that was faced south in the shared parking lot of the Days Inn and Denny's [REDACTED] There was another witness inside the Denny's at booth 14 that looked out the window during the incident.

Please refer to investigating officers' reports for further details of the incident.

Based on the aforementioned information and at the direction of investigating officers, I completed the following:

PHOTOGRAPHS:

I photographed the scene, to include the following:

- Location: Days Inn [REDACTED]

OFFICIAL REPORT**Incident/Investigation Report**

Agency: TPD

Case Number: 2110090181

Date: 10/26/2021 00:01:03

- Holmes's vehicle: silver Toyota Rav4 limited (AZ: GHA3B4A) (Exterior)
- Cartridge cases and magazine north of the silver Toyota Rav4 limited
- Firearm found inside the silver Toyota Rav4 limited
- The decedent and belongings
- The two vehicles with apparent bullet defect:
- White Toyota Camry (AZ: BYX1291/ VIN: 4T1G11AK7MU534592) (exterior)
- Apparent bullet defect on the trunk
- Red (2020) Mazda CX-9(AZ: PAA7B3A/ VIN: JM3TCADY7L0403933) (exterior)
- Apparent bullet defects on the east side of the frame
- Apparent projectile in between the White Toyota Camry and Red (2020) Mazda CX-9
- Apparent projectile under the Red (2020) Mazda CX-9
- Witness vehicle: white (2018) Volkswagen Golf SportWagen (AZ: KHA 42D/ VIN: 3VW117AU0JM753261)
- Rocks and landscaping found by the decedent
- Areas identified by investigating officers':
 - 1) Holmes's vehicle: silver Toyota Rav4 limited
 - 2) Cartridge case north of the silver Toyota Rav4 limited
 - 3) Cartridge case north of the silver Toyota Rav4 limited
 - 4) Cartridge case north of the silver Toyota Rav4 limited
 - 5) Cartridge case north of the silver Toyota Rav4 limited
 - 6) Cartridge case north of the silver Toyota Rav4 limited
 - 7) Cartridge case north of the silver Toyota Rav4 limited
 - 8) Cartridge case north of the silver Toyota Rav4 limited
 - 9) Magazine north of the silver Toyota Rav4 limited
 - 10) Pair of black tennis shoes
 - 11) Possible blood near the decedent
 - 12) Rocks and landscaping found by the decedent
 - 13) The decedent
 - 14) Miscellaneous clothing found by the decedent
 - 15) Belongings possibly from the decedent
 - 16) Backpack near the decedent
 - 17) Paraphernalia found by the decedent
 - 18) Rock found by the decedent
 - 19) Rock found by the decedent
 - 20) Disturbed branch by the decedent
 - 21) White Toyota Camry with apparent bullet defect
 - 21A) Apparent bullet defect on the hood
 - 22) Apparent projectile by the in between the White Toyota Camry and Red (2020) Mazda CX-9
 - 23) Red (2020) Mazda CX-9
 - 23A) Apparent bullet defects on the east side of the frame
 - 23B) Apparent bullet defects on the east side of the frame
 - 24) Apparent projectile found under the Red (2020) Mazda CX-9
 - 25) Apparent projectile by the decedent
 - 26) Sleeping bag and projectile found in the backpack
 - 27) Marking and possible bullet defect on the backpack

OFFICIAL REPORT



Incident/Investigation Report

Agency: TPD

Case Number: 2110090181

Date: 10/26/2021 00:01:03

JRL02) Firearm from the silver Toyota Rav4 limited

- Photos of Decedent:
- Injuries/ Markings:
- Right shoulder blade
- Left side
- Lower back

NOTE: In order to determine the identity of the decedent, I used the MorphoIDent handheld mobile identification device (MID). Which returned a possible hit on Edward Colin Colteaux (Date of Birth: [REDACTED] State ARN: 2616040431/ RISC CRI: AZ0072300), which I advised investigating officers'.

PHOTOGRAPHS CONTINUED:

- Body Bag Seal
- Witness location inside the Denny's [REDACTED] at booth 14
- Different perspective views

Investigating officers' requested the FARO Focus Laser S70 3D Scanner. Crime Scene Specialist Agan (#48438) responded to the scene located at [REDACTED] (Days Inn) to obtain measurements of the scene using the FARO Focus Laser S70 3D Scanner. For further information regarding the FARO scanner please refer to his report.

I cleared the scene on October 10, 2021 at 0259 hours.

DISPOSITION OF EVIDENCE:

I uploaded all of the images I photographed to the Axon Evidence digital database.

This concluded my involvement with the case at this time.

OFFICIAL REPORT**Incident/Investigation Report**

Agency: TPD

Case Number: 2110090181

Date: 11/1/2021 06:34:03

Supplement Information

Supplement Date 11/01/2021 01:07:00	Supplement Type CRIME SCENE UNIT SUPPLEMENT	Supplement Officer (46521) DE LA OSSA, JAVIER
Contact Name		Supervising Officer (35463) LORENZ, CRAIG K

OFFICIAL REPORT



Incident/Investigation Report

Agency: TPD

Case Number: 2110090181

Date: 11/1/2021 06:34:03

Supplement Notes

Date of Assignment: 10/09/2021

Location: [REDACTED]

CSS Agan #48438 was requested to respond to the listed location by Sergeant Haynes #41537 to obtain measurements of the scene using the Faro Focus Laser S70 3D Scanner.

The Faro Laser scan data collected reference TPD case #2110090181 was transferred to me (CSSS De La Ossa #46521) on 10/10/2021 and I then imported the data into the Faro Scene software and I created a Scene 2go read-only distribution project file.

All original Faro Scan Data was saved to the Tucson Police shared network drive and is available upon request through the Identification Section. Scanner placement diagram notes were forwarded to the Records Section to the case file.

Please refer CSS Agan's supplement for further details.

OFFICIAL REPORT**Incident/Investigation Report**

Agency: TPD

Case Number: 2110090181

Date: 11/23/2021 15:43:10

Supplement Information

Supplement Date	Supplement Type	Supplement Officer
11/23/2021 15:05:35	CLOSING SUPPLEMENT	(44603) VAZQUEZ, RAMON L
Contact Name		Supervising Officer
		(41537) HAYNES, SCOTT

OFFICIAL REPORT



Incident/Investigation Report

Agency: TPD

Case Number: 2110090181

Date: 11/23/2021 15:43:10

Supplement Notes

Victim notification complete: No
Property release form submitted: No
Tape transcriptions withdrawn: N/A
Crime lab requests withdrawn: N/A
Fingerprint comparisons withdrawn: N/A
Photographic requests withdrawn: N/A
Buccal cell collection-DPS: N/A
Buccal cell collection-TPD: N/A
SARS kit submitted to lab: N/A
ATLs deleted: Yes
Community notification (SORT only): N/A
DCS/OWCI Investigator notified (CSA/CPA only): N/A
SACAC Investigator notified (CSA/CPA only): N/A
DV Flag Entered (DV only): N/A
If felony charges were declined, are misdemeanor charges applicable? No
PCAO CA#? (leave blank if not applicable) No answer chosen
Arrest module completed? N/A
Number of search warrants? 0
Number of court orders? 0

Clearance code: EXC - Exceptional

This case is now closed.

OFFICIAL REPORT**Incident/Investigation Report**

Agency: TPD

Case Number: 2110090181

Date: 11/23/2021 15:43:12

Supplement Information

Supplement Date	Supplement Type	Supplement Officer
11/23/2021 15:04:41	ISSUING SUPPLEMENT	(44603) VAZQUEZ, RAMON L
Contact Name		Supervising Officer
		(41537) HAYNES, SCOTT

OFFICIAL REPORT



Incident/Investigation Report

Agency: TPD

Case Number: 2110090181

Date: 11/23/2021 15:43:12

Supplement Notes

2110090181

Detective Vazquez #44603

On 10/22/21, a presentation was made in reference to this case by Deputy County Attorney Dan South of the Pima County Attorney's Office. At this time this case was declined for prosecution citing self-defense of a third party. The Pima County Attorney's Office will be making notification to the family of the decedent.

Additionally, the United States Border Patrol, specifically, Danielle Suarez (Operations Officer/TFO to CBP OPR, were contacted and advised no charges would be filed and that the case is now closed and no further investigation is pending. NFI.

EXHIBIT TWO

**Edward Colteaux Autopsy
Report #21-3883, dated: 10/12/21**

EDWARD COLTEAUX

21-3883

AUTOPSY REPORT

PIMA COUNTY, ARIZONA

TUCSON POLICE DEPARTMENT

CASE # 2110090181

OCTOBER 12, 2021

21-3883

Re: EDWARD COLTEAUX

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FINAL DIAGNOSES:

- I. Multiple gunshot wounds
 - A. Lacerations of spleen, stomach, liver, small bowel, right external iliac artery, and right external iliac vein
 - B. 1600 mL of blood within abdominal cavity
- II. Other findings
 - A. Granuloma of left lower lobe of lung
 - B. Cholelithiasis
 - C. Moderate-to-severe coronary artery atherosclerosis
 - D. Cutaneous blunt force injuries

OPINION:

In consideration of the known circumstances surrounding this death, the available medical history, and the examination of the remains, the cause of death is ascribed to multiple gunshot wounds.

The manner of death is homicide.

Digitally signed by Bruce O. Parks, MD
Date: 2021.11.10 10:49:07 -07'00'

21-3883

Re: EDWARD COLTEAUX

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DATE OF DEATH:	October 9, 2021	TIME OF DEATH:	2205 Hours
DATE OF AUTOPSY:	October 12, 2021	TIME OF AUTOPSY:	0830 Hours
PLACE OF AUTOPSY:	Pima County Office of the Medical Examiner 2825 E. District Street Tucson, Arizona 85714		
PERFORMED BY:	Bruce O. Parks, M.D. Forensic Pathologist		
WITNESSED BY:	Levi Dever, Kayla Hare Pathologist Assistants Detectives Vasquez and Mendoza Tucson Police Department Crime Scene Technicians Verna and Wang		

HISTORY

This 38-year-old man who was apparently threatening to assault someone, was shot by another individual.

PHOTOGRAPHS

Photographs are taken during the autopsy by Bruce O. Parks, M.D., Forensic Pathologist and Crime Scene Technician Verna.

IDENTIFICATION

The body is identified by Tucson Police Department personnel.

GENERAL INSPECTION

The partially clad unembalmed body is received supine on a white drag tarp within a white body bag sealed with tag 14115. Brown paper bags are over the hands and are held in place with tape. What appears to be a vomit material is over the face.

CLOTHING AND PERSONAL EFFECTS

Listed separately on the Property/Evidence page of the database.

EXTERNAL EVIDENCE OF MEDICAL THERAPY

- 1) An intraosseous catheter protrudes the anterior left lower leg
- 2) EKG monitor pads are present
- 3) Defibrillation patches are present
- 4) An airway tube protrudes from the mouth

21-3883

Re: EDWARD COLTEAUX

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EXTERNAL EVIDENCE OF INJURY

See "GUNSHOT WOUNDS"

- 1) Over the left aspect of the forehead is a 0.8 x 0.7 cm ovoid red-brown abrasion.
- 2) Over the left upper eyelid is a 0.6 cm rounded purple contusion
- 3) Over the right anterior cheek is a 2.0 x 1.0 cm area of red discoloration which maybe a contusion. A 0.1 cm red-brown abrasion is also in the area.
- 4) Over the posterior left arm is an irregular 2.0 x 0.8 cm red-brown abrasion
- 5) Over the right lower leg below the knee is a 0.6 x 0.4 cm irregular red-brown abrasion
- 6) Over the middle anterior right lower leg is a 0.3 x 0.2 cm red-brown abrasion

EXTERNAL EXAMINATION

The body is that of a well-developed, well-nourished, light skinned man appearing the reported age measuring 74 inches and weighing 186 pounds. The body is cool. Rigor is well developed in the jaw and extremities. There is dependent posterior faint non-blanchable purple livor.

HEAD AND NECK

The head is normocephalic. Scalp hair is blond and straight with longest hairs of 15 cm. The eyes are blue. Each cornea is translucent. The conjunctivae are clear. The nose is in the midline. The ears are symmetrical. The natural teeth are within the mouth and are in good condition. A red-brown mustache and beard are present. The neck is symmetrical and the trachea is in the midline.

TRUNK

The chest is symmetrical. The abdomen is flat. The external genitalia are those of a normal adult man. Except for injuries, the back is unremarkable. The buttocks and anus are unremarkable.

EXTREMITIES

The upper extremities are symmetrical. The fingernails are short and regular with dirt below fingernail tips. The lower extremities are symmetrical.

IDENTIFYING SCARS, MARKS, AND TATTOOS

- 1) Over the posterior left arm extending over the elbow region is a vertical well-healed 20.0 cm linear scar.

INTERNAL EVIDENCE OF MEDICAL THERAPY

None.

INTERNAL EVIDENCE OF INJURY

GUNSHOT WOUNDS:

Note: Numbers are assigned to gunshot wounds for descriptive purposes only and do not necessarily indicate the order in which they occurred.

21-3883

Re: EDWARD COLTEAUX

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Gunshot wound #1

Entrance wound:

Over the right upper back centered 32.0 cm below the top of the head and 15.0 cm to the right of midline is a 1.8 X 1.0 cm ovoid entrance wound with a marginal 0.3 cm red brown abrasion most prominent from the 5 – 9 o'clock position. No soot or stippling are present.

Exit wound:

Over the anterior right arm 29.0 cm below the top of the head, 4.5 cm from the top of the right shoulder, and 17.0 cm to the right of midline is an irregular 2.0 cm exit wound.

Wound Track:

The path of the bullet is forward, upward and to the right. The proximal right humerus is fractured. The bullet does not enter the chest cavity.

Gunshot wound #2

Entrance wound:

Over the inferior left lateral back 59.0 cm from the top of the head and 16.0 cm to the left of midline is an ovoid 1.2 X 0.8 cm entrance wound with a marginal 0.1 cm red-brown abrasion. No soot or stippling are present.

Terminus:

Just below the skin of the lower chest 50.0 cm below the top of the head and 2.0 cm to the left of midline, a 1.0 cm base diameter mushroomed yellow metal jacketed bullet is recovered. A red blue contusion is over the skin at the recovery sight.

Wound track:

The path of the bullet is forward, to the right and upward. The bullet enters the left chest cavity through the posterolateral 9th intercostal space. The bullet passes through the diaphragm without striking the lung. It then passes through spleen, liver, and stomach before passing through the anterior 5th intercostal spacing fracturing the adjacent 6th rib. 200 mL of blood is within the left pleural space. 1600 mL of blood is within the peritoneal cavity.

Gunshot wound #3

Entrance wound:

Over the left lower back, just above the buttocks, 76.0 cm below the top of the head and 1.0 cm to the left of midline is a 0.8 cm rounded entrance wound with a 0.2 cm red brown abrasion most prominent from the 5 – 9 o'clock position. No soot or stippling are present.

Terminus:

Recovered just below the skin of the right anterior abdomen 75.0 cm from the top of the head and 9.0 cm to the right of midline is a mushroomed 1.0 cm base diameter yellow metal jacketed bullet. A red blue contusion is over the skin at the recovery sight.

Wound track:

The path of the bullet is forward and to the right with a minimal downward trajectory. The bullet passes into the pelvic floor and lacerates both the right external iliac artery and vein. 1600 mL of blood is within the peritoneal cavity.

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Re: EDWARD COLTEAUX

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INTERNAL EXAMINATION

BODY CAVITIES

The usual Y-shaped incision is made and the organs of the thorax and abdomen are in their normal anatomic relationships. Tissues are of normal color and consistency. Cavity blood is described elsewhere. There are no peritoneal or pleural adhesions. The serous surfaces are smooth and glistening.

CARDIOVASCULAR SYSTEM

The heart weighs 360 grams. Epicardial surfaces are yellow to brown. The endocardium is gray-brown. The myocardium is dark red-brown, firm, and free of fibrosis, erythema, pallor and softening. The left and right ventricles measure 1.3 and 0.3 respectively. The coronary arteries arise normally and follow the distribution of a right dominant pattern with focal moderate-to-severe atherosclerosis and approximately 60%-70% stenosis of the left anterior descending artery. No thrombosis, plaque hemorrhage, or dissection is within the atherosclerotic segments. The chambers and valves are proportionate. The valves are normally formed, thin and pliable and free of vegetations and degenerative changes. The aorta and its major branches arise normally and follow the usual course with no significant aortic atherosclerosis. The orifices of the major aortic vascular branches are patent. The vena cava and its major tributaries are patent and return to the heart in the usual distribution and are unremarkable.

RESPIRATORY SYSTEM

The left and right lungs weigh 340 and 480 grams, respectively. The pleural surfaces are smooth, glistening, and unremarkable. The pulmonary parenchyma is pink-tan to red-blue without consolidation. Within the left lower lobe is a well circumscribed firm 1.3 cm yellow granuloma. The airways are unobstructed. A brown granular material consistent with gastric contents coats the airways. The pulmonary arteries are normally developed without thromboemboli.

HEPATOBIILIARY SYSTEM AND PANCREAS

The liver weighs 1940 grams. The liver capsule is smooth, glistening, and intact, covering a red brown parenchyma. A thin-walled gallbladder contains green watery bile with a single ovoid green-black 1.2 cm calculus. The pancreas has a normal size, shape, position, and tan lobulated appearance.

GASTROINTESTINAL SYSTEM

The esophagus is lined by a gray-white smooth mucosa. The gastroesophageal junction is unremarkable. The gastric mucosa is flattened and the lumen contains 200 mL of brown granular food material. The stomach and small intestine are free of ulceration. The vermiform appendix is present. The large bowel is free of masses and diverticula.

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Re: EDWARD COLTEAUX

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GENITOURINARY SYSTEM

The left and right kidneys weigh 140 grams, respectively. The renal capsules are smooth, thin, semitransparent, and strip with ease from the underlying smooth, red-brown, firm, cortical surfaces. The cortices are of normal thickness and delineated from the medullary pyramids. The calyces, pelves, and ureters are non-dilated and free of stones. The urinary bladder contains clear yellow urine. The bladder mucosa is gray-tan and smooth. The prostate has a tan cut surface and is not enlarged. The testes are of normal size, shape and position with tan homogeneous cut surfaces.

RETICULOENDOTHELIAL SYSTEM

The spleen weighs 320 grams covering a red-purple moderately firm parenchyma. Regional lymph nodes are grossly unremarkable. The thymus is involuted.

ENDOCRINE SYSTEM

The thyroid gland is of normal position, size and texture. The adrenal glands have normal cut surfaces with yellow cortex and brown medulla. The pituitary gland is grossly unremarkable.

NECK

Examination of the soft tissues of the neck, including strap muscles and large vessels, reveals no abnormalities. The hyoid and thyroid cartilage are intact. The laryngeal mucosa is unremarkable. The tongue is normal.

HEAD

Reflection of the scalp reveals no abnormalities. The skull is of normal thickness and without fracture. The brain weighs 1440 grams. The dura mater and falx cerebri are intact, and not adherent to the brain. The leptomeninges are thin and transparent. There is no epidural, subdural or subarachnoid hemorrhage. The cerebral hemispheres are symmetrical with a normal gyral pattern. The structures at the base of the brain, including cranial nerves and blood vessels, are free of abnormality. Sections through the brain reveal no contusions, hemorrhage or mass lesions within the cerebral hemispheres, brainstem or cerebellum. The cerebral ventricles are of normal caliber.

MUSCULOSKELETAL SYSTEM

The bony framework, supporting musculature, and soft tissues are not unusual. The cervical spinal column is stable on internal palpation.

SPECIMENS

At the time of autopsy, vitreous, heart blood, urine and a DNA card are retained.

EVIDENCE

See "Transfer of Property Record" for evidence transferred to the investigating agency.

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Re: EDWARD COLTEAUX

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RADIOGRAPHS

Total body radiographs show two radiopaque objects consistent with projectiles in the chest/abdomen area. In addition, there is orthopedic hardware involving the left humerus and elbow area.

TOXICOLOGY

See attached report

VERIFICATION

(EDWARD J. COLTEAUX and KARLA COLTEAUX, et al. v. JAMES HOLMES, AGENT OF U.S. CUSTOMS AND BORDER PROTECTION ("CBP"); UNITED STATES OF AMERICA; et al.)

I, EDWARD J. COLTEAUX, am one of the named Plaintiffs in the above-entitled matter.

I have read the foregoing COMPLAINT FOR WRONGFUL DEATH; NEGLIGENCE; BATTERY; DEPRIVATION OF CIVIL RIGHTS (BIVENS CLAIM) and know the contents thereof. The same is true of my own knowledge, except as to the matters stated upon information and/or belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this Verification was executed on July 30, 2024, at San Rafael, California.

/s/ Edward J. Colteaux

Edward J. Colteaux

VERIFICATION

(EDWARD J. COLTEAUX and KARLA COLTEAUX, et al. v. JAMES HOLMES, AGENT OF U.S. CUSTOMS AND BORDER PROTECTION ("CBP"); UNITED STATES OF AMERICA; et al.)

I, KARLA COLTEAUX, am one of the named Plaintiffs in the above-entitled matter. I have read the foregoing COMPLAINT FOR WRONGFUL DEATH; NEGLIGENCE; BATTERY; DEPRIVATION OF CIVIL RIGHTS (BIVENS CLAIM) and know the contents thereof. The same is true of my own knowledge, except as to the matters stated upon information and/or belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this Verification was executed on July 30, 2024, at Cotati, California.

/s/ Karla Colteaux

Karla Colteaux